



A G E N D A

Carlsbad City Council Regular Meeting
Janell Whitlock Municipal Complex
114 S. Halagueno Street
Carlsbad, New Mexico

April 9, 2024 at 6:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Consider Approval of Resolution 2024-13, a Resolution making certain budgetary adjustments to the 2023-24 Fiscal Year Budget
3. Routine and Regular Business

All matters under this heading are considered routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items. If discussion is desired on a particular item, upon request, that item may be removed from the Routine and Regular Business and be considered separately.

- A. **Minutes of the Regular City Council Meeting held on March 26, 2024**
 - B. **City Personnel Report**
 - C. **Contracts and Agreements**
 - 1) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere Financial for Grounds Maintenance Equipment for use at city parks
 - 2) Consider Approval of Lease Agreement between the City of Carlsbad and John Deere Financial for Grounds Maintenance Equipment for use at the Bob Forrest Youth Sports Complex
 - D. **Monthly Reports**
 - 1) Human Resources Department March 2024
 - 2) Municipal Court Department March 2024
 - 3) Utilities Department February 2024
 - E. **Board Appointments**
 - 1) Parks and Recreation Advisory Board Appoint: Denton McCullough four-year term
4. Consider Approval of request for a Small Brewer Liquor License for Guadalupe Mountain Brewing, LLC located at 3324 National Parks Highway
 5. Consider Approval of request for a Winegrower Liquor License for Guadalupe Mountain Brewing, LLC located at 3324 National Parks Highway
 6. Consider Approval of submission of a New Mexico Historical Records Advisory Board Grant for Archival and Records Management programs for the Carlsbad Public Library

7. Consider Approval of request for a Pipeline Easement and Right-of-Way Agreement between the City of Carlsbad and LM Touchdown, LLC
8. Consider Approval of Resolution 2024-14, a Resolution declaring certain city property unusable or obsolete
9. Consider Approval of Resolution 2024-15, a Resolution adopting revisions to the City Procurement Policy to adapt to the current business environment and to streamline daily procurement methods
10. Consider Approval of Resolution 2024-16, a Resolution authorizing the submission of an application and participation in the Transportation Project Fund Program administered by the New Mexico Department of Transportation
11. Consider Approval of Resolution 2024-17, a Resolution requiring the removal of the junk, old appliances, weeds, and a Recreational Vehicle at 1407 W Tansill Street Owner: Delbert Hawkins
12. Consider Approval of Resolution 2024-18, a Resolution requiring the removal of the trash, debris, vehicles and junk at 3508 Old Cavern Highway Owner: Greg Markham
13. Consider Approval of Resolution 2024-19, a Resolution requiring the removal of the ruined, fire-damaged or dilapidated buildings or structures, ruins, rubbish, wreckage and debris at 3408 Lewis Road Owner: Cash for Contracts, Inc c/o Ana Lilia Bankhead
14. Potential Donation of new Senior Center Facility to replace North Mesa Senior Center
15. Council Committee Report
16. Adjourn



FOR INFORMATION ONLY

Agendas and City Council minutes are available on the City web site: cityofcarlsbadnm.com or may be viewed in the Office of the City Clerk during normal and regular business hours.

Public Comments - three minute time limit per person. The City request all comments be respectful and courteous in nature.

CARLSBAD CITY COUNCIL MEETING SCHEDULE

- Regular Meeting - Tuesday, April 23, 2024 at 6:00 p.m.
- Regular Meeting – Tuesday, May 14, 2024 at 6:00 p.m.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.

RESOLUTION NO. 2024-13

**A RESOLUTION MAKING CERTAIN BUDGETARY
ADJUSTMENTS TO THE 2023-24 FISCAL YEAR BUDGET**

WHEREAS, it is necessary to amend the 2023-24 fiscal year budget to adjust revenues, transfers and expenditures as reflected on the attached pages, and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD that the 2023-24 fiscal year budget be amended as attached.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 9th day of April 2024.

Mayor

ATTEST:

City Clerk

Budget Adjustments

FY 2023-24

Description		Revenues & Transfers		Costs		Approvals		
Fund / Department	Item	Increase (Decrease) to Fund		Labor, Operating, Capital Increase (Decrease) to Fund		Dates		
		Amount	R or T	Amount	L, O, C	Budget Com	Council	DFA
August 2023								
General Fund - Public Safety	Donation from Carlsbad Community Anti-Drug & Gang Coalition will be used to purchase police supplies	10,000.00	R	(10,000.00)	O	8/25/2023	9/12/2023	9/21/2023
General Fund - Parks	Additional cost of installation of equipment at the Splash Pad at Friendship Park			(325,000.00)	C	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Promotional	Red Rocket - Local event promotion and social ad buy - Advertising			(60,000.00)	O	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Promotional	Carlsbad Mainstreet - Hutton Broadcasting - Advertising			(15,000.00)	O	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Non-Promotional	Additional cost of installation and equipment at the golf course driving range			(300,000.00)	C	8/25/2023	9/12/2023	9/21/2023
Lodgers' Tax - Discretionary	Additional cost of installation and equipment at the golf course driving range			(350,000.00)	C	8/25/2023	9/12/2023	9/21/2023
September 2023								
GRT Capital Outlay	Transfer out funds to Water & Sewer for Old Cavern Highway project	(1,200,000.00)	T			9/22/2023	10/10/2023	10/23/2023
Water & Sewer	Transfer in funds from GRT Capital Outlay for the Old Cavern Highway project	1,200,000.00	T	(1,200,000.00)	C	9/22/2023	10/10/2023	10/23/2023
General Fund - Fire	Donation from Crestwood Operations LLC for the purchase of EMS supplies	10,000.00	R	(10,000.00)	O	9/22/2023	10/10/2023	10/23/2023
General Fund	Increase revenue to match PSA Agreement for Eddy County contribution	50,000.00	R			9/22/2023	10/10/2023	10/23/2023
Health Insurance	Transfer Out to General, Municipal Transit, Solid Waste, Sports Complex, and Water & Sewer Funds fro employee health insurance rebate	(826,848.22)	T			9/22/2023	10/10/2023	10/23/2023
General Fund	Employee health insurance rebate	658,576.15	T	(658,576.15)	L	9/22/2023	10/10/2023	10/23/2023
Sports Complex	Employee health insurance rebate	13,306.92	T	(13,306.92)	L	9/22/2023	10/10/2023	10/23/2023
Municipal Transit	Employee health insurance rebate	20,331.18	T	(20,331.18)	L	9/22/2023	10/10/2023	10/23/2023
Water & Sewer	Employee health insurance rebate	97,067.50	T	(97,067.50)	L	9/22/2023	10/10/2023	10/23/2023
Solid Waste	Employee health insurance rebate	32,290.31	T	(32,290.31)	L	9/22/2023	10/10/2023	10/23/2023
Golf Pro Shop	Employee health insurance rebate	5,276.16	T	(5,276.16)	L	9/22/2023	10/10/2023	10/23/2023
Lodgers' Tax - Promotional	Christmas on the Pecos - Advertising			(92,000.00)	O	9/22/2023	10/10/2023	10/23/2023
Lodgers' Tax - Promotional	Carlsbad Community Theatre - Advertising			(20,000.00)	O	9/22/2023	10/10/2023	10/23/2023
Lodgers' Tax - Non-Promotional	Carlsbad Chamber of Commerce - Pecos River Conference Center Holiday Lighting			(30,000.00)	O	9/22/2023	10/10/2023	10/23/2023
Capital Projects	RAISE grant awarded to the City of Carlsbad for the preliminary plan of the Dark Canyon Bridge and Bikeway Project	1,100,008.00	R	(1,375,010.00)	C	9/22/2023	10/10/2023	10/23/2023
Airport Improvements	NMDOT-Aviation grant for the replacement of the terminal apron from asphalt to PCCP	5,000,000.00	R	(5,000,000.00)	C	9/22/2023	10/10/2023	10/23/2023
Water & Sewer - Water	Replenish funds for the Well 8 Rehab project that were borrowed for another project			(195,000.00)	C	9/22/2023	10/10/2023	10/23/2023
Capital Projects	Transfer grant related projects to the Water & Sewer fund	(2,410,000.00)	R	2,410,000.00	C	-	10/10/2023	10/23/2023

Budget Adjustments

FY 2023-24

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Water & Sewer - Water	Transfer grant related projects from the Capital Projects fund	2,410,000.00	R	(2,410,000.00)	C	-	10/10/2023	10/23/2023
Law Enforcement Recruitment & Retention	Reallocate the second distribution of \$300,000 of fy23 LERR funds to new DFA account for state tracking purposes					-	10/10/2023	10/23/2023
Law Enforcement Retention	Grant for \$1,050,000 from NM DFA for the recruitment of commissioned law enforcement officers and civilian support personnel, first distribution	600,000.00	R			-	10/10/2023	10/23/2023
Law Enforcement Retention	Transfer Out to General Fund	(600,000.00)	T			-	10/10/2023	10/23/2023
General Fund - Public Safety	Transfer In from Law Enforcement Retention Fund	600,000.00	T			-	10/10/2023	10/23/2023
October								
General Fund - Finance	Replenish funds for the Cashier Remodel project that were borrowed for the C-Hill Improvement project			(185,000.00)	C	10/27/2023	11/1/2023	11/8/2023
General Fund - Public Safety	Reclassify executive secretary position to a patrol senior position			(55,380.00)	L	10/27/2023	11/1/2023	11/8/2023
General Fund - Public Safety	DOJ Edward Byrne Memorial Justice Assistance Grant to support body worn camera equipment for police officers	14,734.00	R	(14,734.00)	O	10/27/2023	11/1/2023	11/8/2023
General Fund - Community Development	Halagueno Arts Park improvements			(100,000.00)	C	10/27/2023	11/1/2023	11/8/2023
General Fund - Golf	Golf course sewer remediation project			(600,000.00)	C	10/27/2023	11/1/2023	11/8/2023
General Fund - Facility Maintenance	Roof and miscellaneous repairs due to rain damage			(250,000.00)	C	10/27/2023	11/1/2023	11/8/2023
General Fund - Cemetery	Purchase 5 - 24" aluminum military emblems for the Veteran's Cemetery			(13,014.00)	O	10/27/2023	11/1/2023	11/8/2023
Airport Improvements	NMDOT-Aviation grant for airfield marking, this grant has a City match of \$15,000	135,000.00	R	(150,000.00)	C	10/27/2023	11/1/2023	11/8/2023
Landfill-Construction	Increase funds for the City's portion of projected costs associated with the Cell 6 Construction, Sandpoint Waterline, Transfer Station and BLM expansion at the Sandpoint Landfill			(645,000.00)	C	10/27/2023	11/1/2023	11/8/2023
Sports Complex	Grant from the Department of Justice for LED lighting for the sports complex	76,000.00	R	(300,000.00)	C	10/27/2023	11/1/2023	11/8/2023
November								
Lodgers' Tax - Promotional	Creative Carlsbad Arts Council - Advertising			(6,000.00)	O	11/17/2023	12/12/2023	12/27/2023
Capital Projects	NM DFA grant to offset the City's match requirement with state funding for the recently accepted RAISE grant	275,000.00	R			11/17/2023	12/12/2023	12/27/2023
Capital Projects	NM DFA grant awarded to the City to be used to replace the HVAC system at the Riverwalk Recreation Center. These funds are part of the Regional Recreation Centers/Quality of Life Grant.	1,621,051.00	R	(1,621,051.00)	C	-	12/12/2023	12/27/2023
Capital Projects	NM DFA grant awarded to the City to supplement the cost to replace the HVAC system at the Riverwalk Recreation Center. These funds are part of the Local Government Outlay Project Overruns Grant.	450,000.00	R	(450,000.00)	C	-	12/12/2023	12/27/2023
General Fund - Community Development	Increase downtown restrooms project due to quote coming in higher than budget			(30,000.00)	C	-	12/12/2023	12/27/2023
December								
General Fund - Parks	Replenish funds for the annual park improvements project that were borrowed for the HAP art project			(45,000.00)	C	12/15/2023	1/9/2024	1/16/2024

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General Fund - Public Safety	Add 5 School Resource Officer (SRO) Positions, 1 Sergeant Position for February through June. The City will be reimbursed by the Carlsbad Municipal Schools for the labor cost of these positions.	376,501.46	R	(376,501.46)	L	12/15/2023	1/9/2024	1/16/2024
General Fund - Public Safety	Increase operating costs due to the additional training and equipment needed for 4 SRO's			(200,000.00)	O	12/15/2023	1/9/2024	1/16/2024
Fire Protection Fund	Department of Homeland Security and Emergency Management grant to be used to purchase 32 Self Contained Breathing Aparatus (SCBA) packs for the fire department	299,483.63	R	(299,483.63)	C	12/15/2023	1/9/2024	1/16/2024
Lodgers' Tax -Non-Promotional Fund	Increase the fireworks project to \$120,000 for RFP awarded, City contribution of \$80,000 and County contribution of \$40,000			(55,000.00)	O	12/15/2023	1/9/2024	1/16/2024
Lodgers' Tax - Promotional	Boys & Girls Club - Gus Macker Tournament Advertising			(80,000.00)	O	12/15/2023	1/9/2024	1/16/2024
January								
General Fund - Cemetery	Additional fencing at the cemetery.			(700,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Cemetery	Dirt work for the expansion of the cemetery			(100,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Community Service	Increase capital costs on the Gator project by \$36,500 to purchase a JD ProGator 2030 with a chemical sprayer.			(36,500.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Electrical	Increase operating costs to repair the hydraulic boom on the electrical department's 1994 bucket truck.			(12,200.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Executive	Potential purchase of BLM land for future economic development and the associated costs for preparation of documents necessary to convey 495.5 acres of public land to the City.			(185,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Executive	Purchase safety truck			(75,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Finance	Reestablish the Fixed Assets & Inventory Accountant position in the finance department.			(43,505.62)	L	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Donation from Devon Energy for the purchase of equipment for the Fire department.	5,000.00	R	(5,000.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Replace two HVAC units at the Fire department.			(20,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Purchase 70 sets of PPE for the dual certified vehicle extractor for wildland fires.			(70,000.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Purchase a FOTOKITE tethered drone to provide aerial footage during emergency situations. This drone will not require an FAA permit.			(45,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Replace 8 aged cardiac monitors at the Fire department			(400,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Fire	Purchase 2-2024 Ford Mavericks for the Fire department to replace 2008 F-250's with high mileage			(70,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Garage	Purchase a New Maxx 80 tire changer with the capability to handle larger tires.			(9,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Museum	Reclassify a Museum part time attendant to full time			(16,109.51)	L	1/26/2024	2/13/2024	2/16/2024
General Fund - Parks	Outdoor Recreation Trails+ grant awarded to the City of Carlsbad by NM EDD for the renovation of the south-western shore and various enhancements at Lower Tansill Dam. This grant has a 50% City match.	499,927.45	R	(1,000,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Parks	Resurface the fall zone at Friendship Park.			(225,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Parks	Increase the C-Hill remediation project.			(10,000.00)	C	1/26/2024	2/13/2024	2/16/2024

Budget Adjustments

FY 2023-24

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General Fund - Public Safety	Increase the police vehicles project for the additional cost of upfits.			(65,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Public Safety	Increase operating costs in the police department for the purchase of additional ammunition.			(35,000.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Public Safety	Increase operating costs in the police department to replace approximately 50 obsolete tasers.			(150,000.00)	O	1/26/2024	2/13/2024	2/16/2024
General Fund - Public Safety	Add a second Evidence Clerk position in the police department to assist with evidence backlog.			(34,883.38)	L	1/26/2024	2/13/2024	2/16/2024
General Fund - San Jose Senior Center	Replace the roof at the San Jose Senior Center building.			(600,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund - Streets	Equip the street department dump truck with salt spreader and snow plow attachments.			(55,000.00)	C	1/26/2024	2/13/2024	2/16/2024
General Fund	Transfer Out to Street Improvements Fund.	(1,300,000.00)	T			1/26/2024	2/13/2024	2/16/2024
Street Improvements Fund	Transfer In from General Fund and create project to add sidewalks to the east side of Old Cavern Highway.	1,300,000.00	T	(1,300,000.00)	C	1/26/2024	2/13/2024	2/16/2024
Street Improvements Fund	Continue with various street improvements.			(500,000.00)	C	1/26/2024	2/13/2024	2/16/2024
NMFA-Water & Sewer	Payoff the Carlsbad 11 - Double Eagle Extension loan. The funds for this payoff have already been set aside.			(11,106,129.40)	O	1/26/2024	2/13/2024	2/16/2024
Water & Sewer - Double Eagle	NM DFA grant awarded to the City of Carlsbad for the double eagle waterline extension project.	1,000,000.00	R	(1,000,000.00)	C	1/26/2024	2/13/2024	2/16/2024
February								
General Fund - Executive	Add a Safety Specialist position to expand the safety department.			(58,334.55)	L	2/23/2024	3/12/2024	3/21/2024
General Fund - Parks	Shorthorn fields remediation project design.			(100,000.00)	C	2/23/2024	3/12/2024	3/21/2024
General Fund - Construction	Add 4 Construction Maintenance II positions to create a sidewalk crew.			(117,751.12)	L	2/23/2024	3/12/2024	3/21/2024
General Fund - Construction	Increase operating for materials needed for the sidewalks.			(15,000.00)	O	2/23/2024	3/12/2024	3/21/2024
General Fund - Museum	Carlsbad Community Foundation Catalyst Grant to facilitate Carlsbad Museum Tours for Carlsbad Municipal School students.	2,000.00	R	(2,000.00)	O	2/23/2024	3/12/2024	3/21/2024
General Fund - Public Safety	Police department 4th floor remodel design.			(100,000.00)	C	2/23/2024	3/12/2024	3/21/2024
General Fund - Public Safety	Add 2 Corporals in the Police department for community outreach.			(71,989.62)	L	2/23/2024	3/12/2024	3/21/2024
DPS - Law Enforcement Retention Fund	Funds received from the NM Department of Public Safety for retention disbursements for police officers who have completed 4, 9, 14 or 19 consecutive years of employment with the same agency.	49,977.17	R			2/23/2024	3/12/2024	3/21/2024
DPS - Law Enforcement Retention Fund	Transfer Out funds received from the NM Department of Public Safety.	(49,977.17)	T			2/23/2024	3/12/2024	3/21/2024
General Fund - Public Safety	Transfer In funds received from the NM Department of Public Safety to be used for retention incentive pay for eligible officers.	49,977.17	T	(49,977.17)	L	2/23/2024	3/12/2024	3/21/2024
Emergency Medical Services Fund	Return unspent EMS funds from fiscal year 2023 to the NM Department of Health EMS Bureau.			(1,674.45)	O	2/23/2024	3/12/2024	3/21/2024
Fire Protection Fund	Fire Protection bi-annual distribution came in higher than anticipated.	5,638.00	R			2/23/2024	3/12/2024	3/21/2024
Lodgers' Tax - Non-Promotional	Increase revenues to projected actuals.	700,000.00	R			2/23/2024	3/12/2024	3/21/2024

Budget Adjustments

FY 2023-24

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		Amount	R or T	Amount	L, O, C	Budget Com	Council	DFA
Lodgers' Tax - Non-Promotional	Add Cavern Theatre Phase 5 project.			(350,000.00)	C	2/23/2024	3/12/2024	3/21/2024
Lodgers' Tax - Promotional	Increase revenues to projected actuals.	450,000.00	R			2/23/2024	3/12/2024	3/21/2024
Lodgers' Tax - Promotional	Add Cavern Theatre Marquee project.			(350,000.00)	C	2/23/2024	3/12/2024	3/21/2024
CDBG Fund	NM DFA CDBG grant to be used for the third phase of the Alejandro Ruiz Senior Center. This grant has a \$75,000 city match.	750,000.00	R	(825,000.00)	C	2/23/2024	3/12/2024	3/21/2024
General Fund	Transfer Out funds to the CDBG fund for working capital.	(400,000.00)	T			2/23/2024	3/12/2024	3/21/2024
CDBG Fund	Transfer In funds from General Fund for working capital.	400,000.00	T			2/23/2024	3/12/2024	3/21/2024
Municipal Transit Fund	Reinstate the Transit Assistant Manager position.			(26,395.69)	L	2/23/2024	3/12/2024	3/21/2024
Local Government Correction Fund	Transfer Out funds to General Fund to cover the cost of operating the Municipal Court.	(500,000.00)	T			2/23/2024	3/12/2024	3/21/2024
General Fund	Transfer In funds from Local Government Correction Fund.	500,000.00	T			2/23/2024	3/12/2024	3/21/2024
Golf Pro Shop Fund	Increase revenues to projected actuals.	350,000.00	R			2/23/2024	3/12/2024	3/21/2024
Golf Pro Shop Fund	Transfer Out funds to General Fund to cover labor costs paid out of General Fund.	(700,000.00)	T			2/23/2024	3/12/2024	3/21/2024
General Fund	Transfer In funds from the Golf Pro Shop.	700,000.00	T			2/23/2024	3/12/2024	3/21/2024

March

Insurance Fund	Insurance settlement for accident involving a police vehicle.	19,328.38	R			3/22/2024		
Insurance Fund	Transfer Out to the General Fund.	(19,328.38)	T			3/22/2024		
General Fund - Public Safety	Transfer in from the Insurance Fund, and increase the police vehicles project by the settlement amount received from the insurance for a totaled vehicle.	19,328.38	T	(19,328.38)	C	3/22/2024		
General Fund - Public Safety	Donation from XTO Energy, this will be used to purchase an applicant tracking and recruiting software for the police department.	10,000.00	R	(10,000.00)	C	3/22/2024		
General Fund - Public Safety	Purchase 10 police vehicles.			(930,000.00)	C	3/22/2024		
General Fund - Public Safety	Add an information systems manager in the Police department.			(36,574.92)	L	3/22/2024		
General Fund - Public Safety	Placeholder for digital sign for public safety announcements, searching for grants/donations.			(100,000.00)	C	3/22/2024		
General Fund - Fire	Donation from Solaris to be used to purchase equipment for the fire department.	2,500.00	R	(2,500.00)	O	3/22/2024		
General Fund - Fire	Donation from Marathon Petroleum Corporation to be used to purchase equipment for the fire department.	5,000.00	R	(5,000.00)	O	3/22/2024		
General Fund - Fire	Purchase a 2023 Chevrolet Tahoe for the Fire department includes upfit.			(90,000.00)	C	3/22/2024		
General Fund - Planning & Regulation	Additional cost for fiscal year 24 condemnations.			(100,000.00)	O	3/22/2024		
General Fund - Municipal Court	Add an entry vestibule to enable protected circulation of judicial staff into the court room.			(25,000.00)	C	3/22/2024		

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Description		Revenues & Transfers		Costs		Approvals		
Fund / Department	Item	Increase (Decrease) to Fund		Increase (Decrease) to Fund		Dates		
		Amount	R or T	Amount	L, O, C	Budget Com	Council	DFA
General Fund	Transfer Out funds to the EMS fund.	(1,674.45)	T			3/22/2024		
Emergency Medical Services Fund	Transfer In funds from the General Fund to be able to return funds from fiscal year 2023 to the NM Department of Health EMS Bureau.	1,674.45	T			3/22/2024		
Beautification Fund	Donation from Chevron to "Keep Carlsbad Beautiful" to support the youth community clean up projects.	20,000.00	R	(20,000.00)	O	3/22/2024		
CDBG Fund	NM DFA grant to offset the City's match requirement with state funding for the recently accepted Community Development Block Grant.	75,000.00	R			3/22/2024		
Lodgers' Tax - Promotional Fund	Carlsbad Automotive Restoration Society - Car-A-Fair Advertising			(26,300.00)	O	3/22/2024		
Lodgers' Tax - Promotional Fund	Carlsbad Community Theatre - Tourism Campaign Advertising			(3,000.00)	O	3/22/2024		
Lodgers' Tax - Promotional Fund	Carlsbad Community of Hope - Jericho Walk Advertising			(24,000.00)	O	3/22/2024		
Lodgers' Tax - Promotional Fund	Carlsbad Gem & Mineral Society - Gem & Mineral Show Advertising			(19,185.81)	O	3/22/2024		
Solid Waste Fund	Donation from Chevron to support an economic impact study for a potential cardboard recycling center.	60,000.00	R	(60,000.00)	O	3/22/2024		

Description			Revenues & Transfers		Costs	
			Increase (Decrease)		Personnel, Operating, Capital Increase (Decrease)	
Fund / Department	Increase/Decrease	Item	Amount	R or T	Amount	L, O, C
August 2023						
General Fund - Planning & Regulation	Increase Capital	Transfer operating funds to Cameras project due to an increase in the cost of the cameras			274.63	C
General Fund - Planning & Regulation	Decrease Operating		(274.63)		O	
General Fund - Community Development	Increase Capital	Transfer funds from the closed Museum HVAC Controls project to the Hall of Fame project			25,000.00	C
General Fund - Museum	Decrease Capital		(25,000.00)		C	
General Fund - Riverwalk	Increase Capital	Transfer funds from the Riverwalk elevator project to the Facility Maintenance elevator project			542.11	C
General Fund - Facility Maintenance	Decrease Capital		(542.11)		C	
September 2023						
General Fund - Alejandro Ruiz Senior Center	Increase Capital	Transfer operating funds to project# 100532, this project will be used as City match for ARSC grant			2,324.01	C
General Fund - Alejandro Ruiz Senior Center	Decrease Operating		(2,324.01)		O	
Water & Sewer - Collections	Increase Capital	Transfer funds from the Well 8 Rehab project to the Bataan Lift Station project due to an increase in costs for equipment/installation since the original budget was developed			195,000.00	C
Water & Sewer - Water	Decrease Capital		(195,000.00)		C	
October 2023						
General Fund - Parks	Increase Capital	Transfer operating funds to cover the price increase on pat traps for the shooting range			130.00	C
General Fund - Parks	Decrease Operating		(130.00)		O	
General Fund - Parks	Increase Capital	Transfer leftover funds from the Toro Equipment project to a new project to purchase a Toro GrandStand Mower			18,242.34	C
General Fund - Parks	Decrease Capital		(18,242.34)		C	
General Fund - Parks	Increase Capital	Transfer funds from the Cashier Remodel and Land Acquisition projects to the C-Hill Remediation project			335,000.00	C
General Fund - Finance/Executive	Decrease Capital		(335,000.00)		C	
General Fund - ARSC	Increase Capital	Transfer allocated gym equipment operating funds to a capital project for a multi-gym set that will need to be capitalized			6,797.25	C
General Fund - ARSC	Decrease Operating		(6,797.25)		O	
Solid Waste Fund	Increase Capital	Transfer funds from the ARC trucks project to the Grappler truck project to cover the steel price increase			13,000.00	C
Solid Waste Fund	Decrease Capital		(13,000.00)		C	
GRT Capital Outlay	Increase Capital	Transfer funds from the ARSC roof replacement project to the ARSC renovations project			375,000.00	C
GRT Capital Outlay	Decrease Capital		(375,000.00)		C	
Water & Sewer - Water		Project# 100955 was for the of purchase 3 service trucks, a 4th truck will be purchased with the leftover funds				
November 2023						
General Fund - Airport	Increase Capital	Transfer operating funds to the Terminal rekey project due to quote coming in higher than budget			1,000.00	C
General Fund - Airport	Decrease Operating		(1,000.00)		O	
General Fund - Library	Increase Operating	Transfer capital funds from the 2020 GO Bond Grant project to operating to purchase small furniture and shelving			5,000.00	O
General Fund - Library	Decrease Capital		(5,000.00)		C	
General Fund - Finance	Increase Labor	Reclassify Director of Municipal Services to Director of Grant Programs, transfer the remaining salary to the finance department			103,380.00	C
General Fund - Community Development	Decrease Labor		(103,380.00)		O	
Water & Sewer - Waste Water	Increase Capital	Transfer equipment maintenance operating funds to a capital project to purchase a lift station pump			12,000.00	C
Water & Sewer - Waste Water	Decrease Operating		(12,000.00)		O	
December 2023						
Water & Sewer - Waste Water	Increase Capital	Transfer equipment maintenance operating funds to a capital project to purchase a re-use meter			8,250.00	C
Water & Sewer - Waste Water	Decrease Operating		(8,250.00)		O	
General Fund - Golf Course	Increase Capital	Transfer funds from the golf course sewer remediation project to the driving range project			21,000.00	C
General Fund - Golf Course	Decrease Capital		(21,000.00)		C	
Sports Complex Fund	Increase Capital	Transfer funds from the landscaping project to the LED lighting project due to project coming in higher than budget			20,000.00	C
Sports Complex Fund	Decrease Capital		(20,000.00)		C	
General Fund - Parks	Increase Capital	Transfer funds from the annual park improvements project			45,000.00	C

Description			Revenues & Transfers		Costs	
			Increase (Decrease)		Personnel, Operating, Capital Increase (Decrease)	
Fund / Department	Increase/Decrease	Item	Amount	R or T	Amount	L, O, C
General Fund - Parks	Decrease Capital	to the HAP art project to purchase art piece			(45,000.00)	C
Airport Improvements Fund	Increase Capital	Transfer operating funds to the airport resurfacing project			1,000.00	C
Airport Improvements Fund	Decrease Operating	due to quote coming in higher than budget			(1,000.00)	O
January 2024						
General Fund - Parks	Increase Capital	Transfer funds from the annual park improvements project			35,000.00	C
General Fund - Parks	Decrease Capital	to the C-Hill remediation project to cover additional costs			(35,000.00)	C
General Fund - Community Development	Increase Capital	Transfer operating funds to the downtown light post			1,700.00	C
General Fund - Community Development	Decrease Operating	project to cover additional shipping costs			(1,700.00)	O
General Fund - Airport	Increase Capital	Transfer operating funds to the Terminal rekey project to			1,500.00	C
General Fund - Airport	Decrease Operating	cover additional costs			(1,500.00)	O
General Fund - Streets		Purchase a rotary broom with skid steer funds, as the				
General Fund - Streets		current rotary broom is no longer working, and a skid steer				
		is no longer needed (\$116,000)				
General Fund - Parks	Increase Capital	Transfer capital funds from the Nick Salcido Park Canopy			(3,000.00)	C
General Fund - Parks	Decrease Capital	project to the Fall Zone at San Jose Plaza project			3,000.00	C
Solid Waste Fund		Utilize remaining funds from the ARC Trucks (2) project to				
Solid Waste Fund		purchase a third truck (\$329,526)				
Water & Sewer - Collections	Increase Capital	Transfer remaining funds from two truck projects (100968			48,151.00	C
Water & Sewer - Collections	Decrease Capital	& 100967) to purchase a third truck			(48,151.00)	C
February 2024						
General Fund - Performing Arts	Increase Capital	Transfer leftover funds from the HVAC project to the sound			90,000.00	C
General Fund - Performing Arts	Decrease Capital	and lighting project for the Civic Center.			(90,000.00)	C
General Fund - North Mesa Senior Center	Increase Capital	Transfer operating funds from the community			2,250.00	C
General Fund - Community Development	Decrease Operating	development department to the door replacement project			(2,250.00)	O
		in North Mesa to cover shortfall.				
General Fund - Garage	Increase Capital	Transfer funds from the Toro Equipment project to the			17,000.00	C
General Fund - Parks	Decrease Capital	Garage department to purchase a Polartek Dual AC			(17,000.00)	C
		Machine.				
General Fund - Airport	Increase Capital	Transfer operating funds to the Terminal rekey project to			500.00	C
General Fund - Airport	Decrease Operating	cover additional costs.			(500.00)	O
Water & Sewer - Waste Water	Increase Capital	Increase the air compressor project to cover additional			3,000.00	C
Water & Sewer - Waste Water	Decrease Capital	costs.			(3,000.00)	C
Water & Sewer - Double Eagle	Increase Capital	Transfer capital funds from other projects to cover the			700,000.00	C
Water & Sewer - Double Eagle/Water	Decrease Capital	change order to complete total footage of DE Waterline			(700,000.00)	C
		Replacement project.				
Lodgers' Tax - Discretionary	Increase Capital	Transfer funds from a closed project to the Jed Howard			122,500.00	C
Lodgers' Tax - Discretionary	Decrease Capital	project to purchase the building at 405 W. Fox.			(122,500.00)	C
March 2024						
General Fund - Electrical	Increase Capital	Transfer funds from the Toro Equipment project to the			2,000.00	C
General Fund - Parks	Decrease Capital	Electrical department SUV project to cover additional costs.			(2,000.00)	C
General Fund - Parks	Increase Capital	Transfer funds from the Toro Equipment project to the			10,939.64	C
General Fund - Parks	Decrease Capital	Park Restrooms project to cover additional costs.			(10,939.64)	C
General Fund - Finance	Increase Labor	Transfer the remaining salary for the projects accountant			38,510.32	L
General Fund - Projects	Decrease Labor	from the projects department to the finance department.			(38,510.32)	L
General Fund - Facility Maintenance	Increase Capital	Transfer funds from the roof repairs project to the fire			125,000.00	C
General Fund - Facility Maintenance	Decrease Capital	alarm system project.			(125,000.00)	C

**LINKED MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CARLSBAD, NEW MEXICO, HELD IN THE JANELL WHITLOCK
MUNICIPAL COMPLEX BUILDING ON MARCH 23, 2024 AT 6:00 P.M.**

Present:	Richard D. Lopez	Mayor
	Lisa A. Anaya Flores	Councilor
	Edward T. Rodriguez	Councilor
	Karla Niemeier	Councilor
	Jason O. Chavez	Councilor
	Anthony Foreman	Councilor
	Mark C. Walterscheid	Councilor
	Mary Garwood	Councilor
Absent:	Jeff Forrest	Councilor
Also Present:	Wendy Austin	Interim City Administrator
	K.C. Cass	Deputy City Administrator
	Denise Madrid-Boyea	City Attorney
	Nadine Mireles	City Clerk
	Jalynn Dominguez	Compliance Clerk
	Angie Barrios-Testa	Director of Grant Programs
	Mike Abell	Director of Utilities
	Wayne Hatfield	IT Director
	Brent Griffith	IT Technician
	Melissa Salcido	Finance Director
	Ken Ahrens	Fire Chief
	Jeff Patterson	Planning Director
	Shane Skinner	Police Chief
	Patrick Cass	Public Works Director
	Nick Sullivan	Building Inspector
	Edward VanScotter	Museum Director
	Charlie Garcia	Police Officer
	Jesus Juarez	Citizen
	Paul Orr	Citizen

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00 **Call Meeting to Order**

0:00:05 Invocation - Pledge of Allegiance

0:00:37 **1. APPROVAL OF AGENDA**

0:00:40 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Rodriguez to approve the Agenda. The motion was made by Councilor Chavez and seconded by Councilor Rodriguez to approve the Agenda.

0:00:45 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:01:07 **2. CITY OF CARLSBAD FINANCIALS - FEBRUARY 2024**

Ms. Salcido reviewed the revenues and expenditures as of February 2024 for the General Fund and selected Enterprise and Special Funds contained within the City Budget.

0:02:45 **3. ROUTINE AND REGULAR BUSINESS**

- A. Minutes of the Regular City Council Meeting held on March 12, 2024
- B. City Personnel Report
- C. Monthly Reports
 - 1) Community Development Department January 2024 and February 2024
 - 2) Municipal Services Department January 2024 and February 2024

0:03:04 **MOTION**

The motion was made by Councilor Garwood and seconded by Councilor Niemeier to approve Routine and Regular Business.

0:03:10 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:03:27 **4. CONSIDER APPROVAL OF RENEWAL OF BUSINESS LICENSE FOR COURTESY SPORTING AND PAWN APPLICANT: COURTESY SPORTING AND PAWN**

Mr. Patterson said this request to renew a business license for Courtesy Sporting and Pawn is required by Ordinance. He said the application was submitted on March 12, 2024. He said the Planning staff received a background check report from the Police Department which indicated that Courtesy Sporting and Pawn should be allowed to continue business within the City of Carlsbad.

0:04:13 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Renewal of Business License for Courtesy Sporting and Pawn Applicant: Courtesy Sporting and Pawn.

0:04:18 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:04:31 **5. CONSIDER APPROVAL OF REQUEST FROM CARLSBAD MUSEUM AND MILTON'S BREWING TO SERVE ALCOHOL (BEER AND WINE) DURING A LEADERSHIP NEW MEXICO COMMUNITY RECEPTION**

Mr. VanScotter said this is a request for approval to serve alcohol at a Leadership New Mexico Community conference on April 18, 2024. He said Leadership New Mexico Community is teaming up with Milton's Brewing. He said security has been hired for the event.

0:05:24 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to approve of request from Carlsbad Museum and Milton's Brewing to serve alcohol (beer and wine) during a Leadership New Mexico Community Reception.

0:05:30 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:05:44 **6. CONSIDER APPROVAL OF RESOLUTION 2024-11, A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW MEXICO TOURISM DEPARTMENT FOR THE FY25 NEW MEXICO CLEAN AND BEAUTIFUL GRANT PROGRAM**

Mrs. Barrios-Testa said this request is to submit a grant application to the New Mexico Tourism Department under the FY25 Clean and Beautiful Program. She said the estimated amount that is being requested is about \$42,000. She said the grant requires a minimum of 25% City match which is approximately \$11,000. She said if awarded, the funds will be used for a variety of the same programs the City has had in the past, including youth litter clean-ups, RiverBlitz promotion, dues and conferences cost for the Beautification Director, and a youth art contest will be added. She said the waste receptacles were listed but this will be funded through the Beautification Department's operating funds. She said the application deadline is April 5, 2024.

Councilor Walterscheid asked who administers the funds. **Mrs. Barrios-Testa** said several City staff members are working on it.

0:07:45 **MOTION**

The motion was made by Councilor Rodriguez and seconded by Councilor Niemeier to approve of Resolution 2024-11, a Resolution authorizing the submission of an application to the New Mexico Tourism Department for the FY25 New Mexico Clean and Beautiful Grant Program.

0:07:50 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:08:04 **7. CONSIDER APPROVAL OF RESOLUTION 2024-12, A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TOURISM UNDER THE DESTINATION FORWARD GRANT PROGRAM FOR THE CARLSBAD MUSEUM ARCHIVE AND COLLECTION ANNEX**

Mrs. Barrios-Testa said this Resolution is under the same state agency as the last Agenda item. She said City staff is recommending planning, designing, and construction renovations to the property that will be the Carlsbad Museum Archive and Collection Annex. She said this project has been on the City of Carlsbad's ICIP for several years and it is also under the New Mexico Tourism list. She said there is several tiers of funding and the plan is to apply for tier 2 in the amount of \$500,000. She said the program requires a match of 5%, which is \$25,000. She said the deadline to apply is April 10, 2024.

0:09:36 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Niemeier to approve of Resolution 2024-12, a Resolution authorizing the submission of an application to the New Mexico Department of Tourism Under the Destination Forward Grant Program for the Carlsbad Museum Archive and Collection Annex.

0:09:41 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:09:56 **8. CONSIDER APPROVAL TO REMOVE FROM TABLE PROPOSED RECONSIDERATION OF RESOLUTION 2023- 65, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE AT 1916 W LEA STREET OWNER: ERICA CORRALEZ C/O JESUS R. JUAREZ**

Mrs. Boyea-Madrid said at the last meeting this Agenda item was tabled and now it is the Council's choice on whether to keep or remove this Agenda item from the table.

0:10:50 **MOTION**

The motion was made by Councilor Niemeier and seconded by Councilor Garwood to remove from table proposed reconsideration of Resolution 2023- 65, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W Lea Street Owner: Erica Corralez c/o Jesus R. Juarez.

0:10:55 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:11:12 **9. CONSIDER APPROVAL OF PROPOSED RECONSIDERATION OF RESOLUTION 2023-65, A RESOLUTION REQUIRING THE REMOVAL OF THE RUINED, DAMAGED OR DILAPIDATED BUILDING OR STRUCTURE AT 1916 W LEA STREET OWNER: ERICA CORRALEZ C/O JESUS R. JUAREZ**

Mrs. Madrid-Boyea said this Resolution requires the removal of the ruined, damaged, or dilapidated building or structure at 1916 W. Lea. She said on March 12, 2024, City Council considered whether to reconsider Resolution 2023-65. She said Council members tabled their decision until the March 23, 2024 City Council meeting, and it was requested that updated information from the Building Inspector, Nick Sullivan, be provided. She said a copy of the report from Mr. Sullivan is included in the City Council packet which indicates that the Building Inspector did in fact revisit the property. **Mrs. Madrid-Boyea** said at this time, City Council members are being asked whether Council members wish to reconsider Resolution 2023-65 and determine whether it should remain in place or be rescinded.

Councilor Walterscheid asked what the Building Inspector's report indicated. **Mrs. Madrid-Boyea** asked Mr. Sullivan to read the report and to answer any questions. **Mr. Sullivan** said on March 8, 2024, he met with the homeowner and the potential buyer for the property at 1916 W. Lea St. He said they discussed what would be necessary to remodel the existing structure and bring it up to current codes. He said the foundation of the house does not seem to have many issues; there were no signs of cracking or fractures that led him to believe the foundation is compromised. **Mr. Sullivan** said the exterior sighting is weathered and damaged without repair for many years, therefore it would need further inspection once the sighting is removed to determine the extent of water damage to the low-bearing structure of the house. He said the interior walls and coverings are in poor condition and the dry wall would need to be completely removed and at this point the interior framing can be assessed. He said the concerns were discussed with the homeowner and potential buyer and he made a point to say the electrical plumbing and mechanical systems to the house would need to be brought up to code with the use of licensed contractors and permitting. **Mr. Sullivan** said the foundation is in fairly good shape. He said he cannot speak for the underground plumbing, sewer lines, or water lines. He said the entire house will need to be rewired and it will need new HVAC equipment. He said to be sure on whether the house can be rebuilt will need to be determined once it is stripped down to see the framing. He said he does not know the extent of water damage or termite damage, if any.

Councilor Walterscheid asked if the outside layers of the house will be taken off. **Mr. Sullivan** said he would have to refer to the current homeowner. He said he would recommend it get stripped down and then review the studs before anything is covered up. **Councilor Walterscheid** asked if there is any black mold. **Councilor Garwood** said

she brought the concern of black mold into the conversation at the previous Council meeting. **Mr. Sullivan** said it is a possibility, but without sampling he is unsure. He said the State of New Mexico does not consider black mold as a hazard. He said the house can be saved with a lot of money and time.

Councilor Niemeier said her concern is this house will sit in this condition for a long period of time.

Councilor Chavez asked Mr. Orr if he has started the application process for the electrical, windows and doors. **Mr. Orr** said no, they went to Guarantee Title to purchase the home and get a title binder to make sure that Mr. Juarez had a clear title to be able to sell the home. He said the closing was scheduled but a Resolution was required to proceed with purchasing the home. He said if the Council approves, a closing will be rescheduled. **Councilor Chavez** asked how long will it take to get the exterior finished. **Mr. Orr** said about six months.

Councilor Walterscheid said as long as progress is being made and it is not sitting there in the same condition.

Councilor Rodriguez said it is obvious that there has been significant leakage into the house. He asked Mr. Orr if the trusses will be inspected. **Mr. Orr** said yes. **Councilor Rodriguez** asked Mr. Orr, once the house is stripped down and termites or water damage is found, is he willing to take it down to the slab and start from scratch. **Mr. Orr** said yes.

Councilor Rodriguez asked if there was an asbestos inspection done. **Mrs. Madrid-Boyea** said yes, there is documentation of it being done and the results were negative.

Mrs. Madrid-Boyea said to clarify, the question is whether to keep the Resolution in place or rescind it.

0:23:00 **MOTION**

The motion was made by Councilor Chavez and seconded by Councilor Niemeier to rescind of proposed reconsideration of Resolution 2023-65, a Resolution requiring the removal of the ruined, damaged or dilapidated building or structure at 1916 W Lea Street Owner: Erica Corrales c/o Jesus R. Juarez.

0:23:20 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:23:40 **10. COUNCIL COMMITTEE REPORTS**

No reports.

0:23:49 **Mayor Lopez asked if anyone in the audience would like to address the Council. No one appeared.**

0:23:57 **11. ADJOURN**

0:23:59 **MOTION**

The motion was made by Councilor Anaya-Flores and seconded by Councilor Gawoord to adjourn.

0:24:10 **VOTE**

The vote was as follows: Yes - Niemeier, Walterscheid, Anaya-Flores, Chavez, Garwood, Foreman, Rodriguez; No - None; Absent - Forrest; the motion carried.

0:24:23 **Adjourn**

There being no further business, the meeting was adjourned at 6:24 p.m.

Richard D. Lopez, Mayor

ATTEST:

Nadine Mireles, City Clerk

CITY OF CARLSBAD
PERSONNEL REPORT

April 9, 2024

APPOINTMENTS:

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Kenneth Cruz	04/10/24	Electrical	Electrician
Mary Garwood	04/10/24	Executive	Beautification Coordinator
Jorge Haros	04/10/24	Police	Patrolman, uncertified
Gina Mayfield	04/10/24	Golf	Pro Shop Attendant, part-time
Jose Muro	04/10/24	Police	Patrolman, uncertified
River O'Conner	04/10/24	Police	Patrolman, uncertified
Daniel Valdez	04/10/24	Construction	Construction Maintenance

TERMINATIONS:

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>	<u>REASON</u>
Antonio Hernandez	03/31/24	Golf	Seasonal Laborer	Resigned
Raquel Leyva	03/26/24	Solid Waste	Solid Waste Coordinator	Resigned
Melinda Rountree	03/30/24	Public Works	Executive Secretary	Retired
Mystery Stephens	04/01/24	Police	Telecommunicator, uncertified	Declined job offer

INTERNAL TRANSFERS AND PROMOTIONS:

<u>NAME</u>	<u>DATE</u>	<u>DEPARTMENT</u>	<u>CLASSIFICATION</u>
Monica Martinez	03/25/24	Executive Secretary	Public Works

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Patrick Cass, Director of Public Works 

SUBJECT: Recommendation for Employment

DATE: March 21, 2024

The Following applicant has met all pre-employment requirements and is at this moment recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Kenneth W. Cruz Classification/Position: Electrician
Department: Electrical

- | | | |
|---|------------------------------------|---|
| <input checked="" type="checkbox"/> Regular | <input type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Hourly \$ <u>36.74</u> per hour |
| <input type="checkbox"/> Seasonal | <input type="checkbox"/> Part-time | <input type="checkbox"/> Salary \$ _____ per hour |
| <input type="checkbox"/> Temporary | <input type="checkbox"/> On call | |

Education Level:

- | | |
|--|---|
| <input type="checkbox"/> High School Diploma | <input checked="" type="checkbox"/> GED or equivalent |
| <input type="checkbox"/> Associates Degree | _____ |
| <input type="checkbox"/> Bachelors Degree | _____ |
| <input type="checkbox"/> Masters Degree | _____ |
| <input type="checkbox"/> Other | _____ |

Employment:

Present or Last Employer: Targa
From 10/09/23 to Present Classification: Measurement Tech

Duties: Install, inspect, test, adjust, maintain, operate, troubleshoot, repair, calibrate, and remove advanced measurement, control, and regulation equipment, SCADA system, and gas quality equipment. Detect measurement errors, correct volumes as needed, and provide supporting documentation for corrections.

Related Experience: Electronics, Journeyman Electrician, EE98J & EE98 RS Logic Training, Process Controls, Industrial Electric, Digital Electronics, Devices and Instrumentation

Comment: _____

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Wendy Austin, Interim City Administrator WA

SUBJECT: Recommendation for Employment

DATE: March 28, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Mary S. Garwood Classification/Position: Beautification Coordinator

Department: Executive Department

- Regular Full-time Hourly \$34.62 per hour
Seasonal Part-time Salary \$ per annum
Temporary On call

Education Level:

- High School Diploma GED or equivalent
Associates Degree
Bachelors Degree Criminal Justice
Masters Degree
Other

Employment:

Present or last Employer: CEHMM-Center of Environmental Health Monitoring & Management
From 04/17/2023 to Current Classification: Public Relations Manager
Duties: Oversees certain grant funding related to illegal dumping in partnership with the BLM.
Promotes CEHMM to companies and agencies operating in the Permian Basin.

Related Experience: Ms. Garwood has previous experience with the City of Carlsbad and specifically has the experience as the Beautification Coordinator.

Comments: Ms. Garwood's passion for keeping Carlsbad beautiful is unmatched. She has been recognized locally and by the NM Governor for her dedication to beautification projects and her advocacy to end litter and illegal dumping.

CITY OF CARLSBAD


RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Chief Shane Skinner

 # A:37

SUBJECT: Recommendation for Employment

DATE: March 25, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Jorge Haros Classification/Position: Patrolman

Department: Police

- Regular Full-time Hourly \$26.76 per hour
- Seasonal Part-time Salary \$_____ per annum
- Temporary On call

Education Level:

- High School Diploma GED or equivalent
- Associates Degree _____
- Bachelors Degree _____
- Masters Degree _____
- Other _____

Employment:

Present or last Employer: Management and Training Corporation

From May 2022 to Current Classification: Detention Officer

Duties: Maintains the safety and security of all personnel, inmates, and jail

Related Experience: None

Comments: None

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: K.C. Cass, Deputy City Administrator [Signature]

SUBJECT: Recommendation for Employment

DATE: April 1, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Gina Mayfield Classification/Position: Pro Shop Attendant
Department: Pro Shop

- Regular Full-time Hourly \$23.54 per hour
Seasonal Part-time Salary per annum
Temporary On call

Education Level:

- High School Diploma GED or equivalent
Associates Degree
Bachelors Degree
Masters Degree
Other

Employment:

Present or last Employer: Affordable Portables
From July 2023 to Present Classification: Salesperson
Duties: Showing, Pricing, Ordering and selling Portables

Related Experience: Gina has a New Mexico Servers License

Comments: Gina will be a great fit for the Pro Shop and she has a servers permit and has experience selling alcohol.

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Chief Shane Skinner

 # A157

SUBJECT: Recommendation for Employment

DATE: March 25, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Jose Muro Classification/Position: Patrolman

Department: Police

- Regular, Seasonal, Temporary, Full-time, Part-time, On call, Hourly (\$26.76 per hour), Salary

Education Level:

- High School Diploma, GED or equivalent, Associates Degree, Bachelors Degree, Masters Degree, Other

Employment:

Present or last Employer: Albertson's Market
From February 2020 to Current Classification: Meat Clerk
Duties: Putting product out, clearing and down stacking

Related Experience: None

Comments: None

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Chief Shane Skinner

 # 4137

SUBJECT: Recommendation for Employment

DATE: March 25, 2024

The following applicant has met all pre-employment requirements and is hereby recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: River O'Conner Classification/Position: Patrolman

Department: Police

- Regular Full-time Hourly \$26.76 per hour
- Seasonal Part-time Salary \$_____ per annum
- Temporary On call

Education Level:

- High School Diploma GED or equivalent
- Associates Degree _____
- Bachelors Degree _____
- Masters Degree _____
- Other _____

Employment:

Present or last Employer: Game Stop

From February 2022 to November 2023 Classification: Customer Service

Duties: Control of inventory and interactions with customers

Related Experience: None

Comments: None

CITY OF CARLSBAD

RECOMMENDATION FOR EMPLOYMENT

Richard Lopez, Mayor

Wendy Austin, Interim City Administrator

TO: The Honorable Mayor Richard Lopez & Members of the City Council

FROM: Patrick Cass, Director of Public Works *PC*

SUBJECT: Recommendation for Employment

DATE: March 22, 2024

The Following applicant has met all pre-employment requirements and is at this moment recommended for employment with the City of Carlsbad subject to a pre-hire medical examination:

General Information:

Name: Daniel Florez Valdez Classification/Position: Construction I
Department: Construction

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Regular | <input checked="" type="checkbox"/> Full-time | <input checked="" type="checkbox"/> Hourly \$ <u>23.84</u> per hour |
| <input type="checkbox"/> Seasonal | <input type="checkbox"/> Part-time | <input type="checkbox"/> Salary \$ _____ per hour |
| <input type="checkbox"/> Temporary | <input type="checkbox"/> On call | |

Education Level:

- | | |
|---|--|
| <input checked="" type="checkbox"/> High School Diploma | <input type="checkbox"/> GED or equivalent |
| <input type="checkbox"/> Associates Degree | _____ |
| <input type="checkbox"/> Bachelors Degree | _____ |
| <input type="checkbox"/> Masters Degree | _____ |
| <input type="checkbox"/> Other | _____ |

Employment:

Present or Last Employer: Mikes Welding Shop
From June 1984 to March 2021 Classification: Welder, Machinist, Foreman
Duties: Welder

Related Experience: _____

Comment: _____

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM
PURCHASING RECOMMENDATION

Council Meeting Date: 4/09/24

Department: PARKS	BY: Matt Fletcher, CPO	Date: 4/02/24
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*M. Fletcher
4/2/24*

SUBJECT: Equipment
Description:

Lease Contract for John Deere Equipment for use by the Parks Department

SYNOPSIS:	Qty _____	Total Est. Cost	<u>\$ 75,783.12</u>	Total Actual Cost	<u>\$ 75,783.12</u>
Budgeted Yes		Est. City Share	<u>\$ 75,783.12</u>	Actual City Share	<u>\$ 75,783.12</u>
Account #	<u>10153-61200</u>		<u>\$ 75,783.12</u>		
Account #	_____		_____		
Account #	_____		_____		
Account #	_____		_____		
		TOTAL	<u>\$ 75,783.12</u>		

BACKGROUND, JUSTIFICATION AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

The City of Carlsbad Parks Department leases mowing and grounds maintenance equipment from John Deere Company for daily use in mowing the grounds at various City parks. The lease is procured by use of an authorized cooperative purchasing agreement.

This equipment is leased on 36 month terms. Once the lease reaches the end of the term, the City initiates a new lease and receives new equipment under a new lease agreement.

The attached lease is for three (3) commercial terraincut wide-area mowers. The monthly lease cost for all three mowers is \$6,315.26 with an annual cost of \$75,783.12.

Requested action to be taken by Council:	Council Action Taken:	Date:
Other: Authorize City Administrator to sign lease contract	Select one	

Interim
Reviewed by City Administrator: /s/Wendy Austin 04/04/2024

POST BID/RFP RECOMMENDATION **Council Meeting Date:**

Requested action to be taken by Council:	Council Action Taken:	Date:
Other:	Select one	

ADDITIONAL INFORMATION:

Reviewed by City Administrator:

ATTACHMENT(S): Specifications Bid/RFP Summary Other: Lease Agreement 020-0062341-013



JOHN DEERE FINANCIAL

Lease Schedule

Lease Schedule No.	020-0062341-013
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST., , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

LEASE TERM

Lease Term Start Date	Lease Term End Date	# Of Payments	Lease Payment	*Property tax + Sales/Use Tax	Total Lease Payment
03/29/2024	03/29/2027	36	\$5,775.33	\$91.12 + \$448.81	\$6,315.26

*If part of the regular scheduled lease payment

RENEWAL TERM

Renewal Term Start Date	Renewal Term End Date	Renewal Term # Of Payments	Renewal Term Lease Payment	Renewal Term *Property tax + Sales/Use Tax	Renewal Term Total Lease Payment

PAYMENT TERMS

PAYMENT DUE AT SIGNING

Due Date	1 st Payment Due Date	Discount Rate	Advance Lease Payment**	\$6,315.26
29	03/29/2024	Internal Rate of Return minus 2 percent (2%)	Origination Fee	\$0.00
Billing Period	Irregular Payments		Security Deposit	\$0.00
<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual <input type="checkbox"/> Irregular			Total Due At Signing	\$6,315.26
				**Advance Lease Payment includes the first (1) and last (0) Lease Payment(s)

"Master Agreement" shall mean the above referenced Master Lease Agreement. "Schedule" shall mean this Lease Schedule. "Lease" shall mean this Schedule and the Master Agreement. All of the terms and conditions set forth in the Master Agreement and any amendment, addendum, schedule or attachment thereto or hereto including, but not limited to, the Equipment Return Provisions are hereby incorporated into and made a part of this Schedule.

Lease Payments. You agree to remit the Lease Payments (and applicable sales, use and property taxes) on the dates noted above and all other amounts when due to: DEERE CREDIT, INC., P.O. Box 4450, Carol Stream, IL 60197-4450.

Hourly Charges. You certify that the engine hour meter reading on each item of Equipment is accurate as of the date you sign this Schedule. If you use any Equipment during the Lease Term for more than the Engine Hourly Limit indicated above for that item of Equipment, you will pay to us within 10 days of the Lease Term End Date (or any earlier termination of the Lease) an amount equal to the Excess Hour Charge for that item of Equipment for each engine hour in excess of the Engine Hourly Limit. If the Lease is terminated, cancelled or extended for any reason, the Engine Hourly Limit will be prorated by us in our sole discretion.

Renewal Term. If (1) a Renewal Term is provided for above, and (2) you notify us at least sixty (60) days prior to the end of the Lease Term that you intend to renew the Lease for the Renewal Term, the Lease shall renew for the Renewal Term. You agree to remit to us the Renewal Lease Payments indicated above (plus applicable taxes and other amounts) when due and payable each Billing Period, even if we do not send you a bill or an invoice.

Representations and Warranties. You represent and warrant to us, as of the date you signed this Schedule, that (1) the Equipment was selected by you; (2) the Equipment (including all manufacturer manuals and instructions) has been delivered to, and examined by, you; (3) the safe operation and the proper servicing of the Equipment were explained to you; (4) you received the written warranty applicable to the Equipment and understand that your rights under the written warranty may be limited; (5) the Equipment is unconditionally and irrevocably accepted by you as being suitable for its intended use; (6) the Equipment is in good condition and repair (operating and otherwise); (7) the Equipment shall be used only for the purpose indicated herein; (8) except as disclosed to us, neither you nor any person related to you will have an equity interest in the Equipment on the Lease Term Start Date; and (9) all information provided to us by you is true and correct.

You acknowledge and agree that: (1) we did not select, manufacture or supply any of the Equipment; (2) we acquired the Equipment at your direction; (3) you selected the supplier of the Equipment; (4) you are entitled to all manufacturer warranties ("Warranty Rights") and we assign all Warranty Rights to you, to the extent assignable; (5) you may request an accurate and complete statement of the Warranty Rights, including any disclaimers and limitations, directly from the manufacturer; and (6) you assign to us all your rights (but none of your obligations) under all purchase orders, purchase agreements or similar documents relating to the Equipment. You waive all rights and remedies conferred upon a lessee under Sections 508 - 522 of Article 2A of the Uniform Commercial Code.

Lease Payments may be based on the assumption that we will be entitled to certain tax benefits as the owner of the Equipment. If you take or fail to take any action that results in a loss of such tax benefits, you will pay us, on demand, the amount we calculate as the value of such lost tax benefits.

Miscellaneous. You agree that we can access any information regarding the location, maintenance, operation and condition of the Equipment, and you irrevocably authorize anyone in possession of such information to provide all of that information to us upon our request. You also agree to not disable or otherwise interfere with any information-gathering or transmission device within or attached to the Equipment. You permit us to monitor and record telephone conversations between you and us. By providing any telephone number, including a mobile phone number, to us, any of our affiliates or any debt collectors we retain, we, such affiliates and such retained debt collectors can contact you using that number, including calls using an automatic dialing and announcing device

and prerecorded calls, and that such calls are not "unsolicited" under state or federal law. All of our rights under each Lease shall remain in effect after the expiration of the Lease Term or termination of the Schedule.



JOHN DEERE FINANCIAL

Equipment Return Provisions

Lease Schedule No.	020-0062341-013
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

The following Equipment Return Provisions are hereby incorporated into and made a part of the above referenced Master Lease Agreement (the "Master Agreement"), and entered into between Deere Credit, Inc., as Lessor ("us", "we" or "our"), and CITY OF CARLSBAD, as Lessee ("you" or "your"). Pursuant to Section 9 of the Master Lease Agreement, all Equipment must be returned to us in satisfactory condition. Unsatisfactory condition shall include any condition described in Sections 1 through 4 below ("Excessive Wear and Tear").

1. Mechanical.

- A. Computer systems or safety and emission control equipment not in proper working order.
- B. Mechanical components that are missing, broken or unsafe or that do not operate normally, other than normal tune-ups, given the age of the equipment.
- C. Wear on power train assembly that exceeds manufacturer's then current standards for normal wear and tear.
- D. Any air filters not within manufacturer's specifications.
- E. Any gauges or fluid indicators that are damaged or do not function, the electrical system fails to operate properly, the battery fails to hold a charge or any wire harnesses that are not tied down and kept secured, dry and clean.
- F. Any pumps, motors, valves or cylinders not in good operating condition or that fail to meet manufacturer's rated specifications or hydraulic system exceeds manufacturer's then-current contaminant standards (as shown by oil sample analysis). Equipment not serviced according to the manufacturer's operating manual.
- G. Any lubricant, water or A/C seal leaks.

2. Exterior.

- A. Dents larger than 2 inches in diameter.
- B. Excessive number of dents or scratches.
- C. Any scratch 8" or longer that reaches the metal skin.
- D. Any single chip the size of a quarter or larger or multiple small chips within one square foot.
- E. Substandard paint repairs, such as peeling, bubbling or mismatched shades that evidence poor condition in comparison with original paint and require repainting at a cost in excess of \$200.
- F. Rust holes in the body metal or a rust spot that covers more than a 4-inch square area.
- G. Any glass that must be replaced due to cracks or missing glass and any windshield damages greater than \$50 in amount.
- H. All frame damage and substandard frame repairs.
- I. Any tires or tracks that (a) have broken side walls or excessive cuts or damages, or (b) have less than 50% of the original useful life remaining, or (c) are not of the same size, type grade or equivalent quality manufacturer as were originally included on the Equipment.

3. Cab/Operator Platform.

- A. Heavy interior soil or strong odors, such as manure, that cannot be removed by general cleaning.
- B. Unclean condition of operator environment.
- C. Holes, tears, or burns on the dash, floor covers, seats, headliners, upholstery or interior.

4. General.

- A. Equipment not operated or maintained in accordance with the manufacturer's specifications or if components, fuels or fluids, on or in connection with the Equipment that do not meet manufacturer's standards were used.
- B. Any other damage that in the aggregate costs \$250 or more to repair or that makes the Equipment unlawful or unsafe to operate.

5. Other.

- A. All warranty and PIP work must be completed prior to the Lease Term End Date of the Lease Schedule relating to the Equipment.
- B. The Equipment must be cleaned prior to its return.
- C. The Equipment must be prepared for storage according to the operators manual, including flushing the system and use of winterization fluid.

6. Hour Meter.

For each item of Equipment returned with a broken or missing hour meter, you shall accept an invoice from us and remit to us an amount equal to \$1,000. You agree that the hour meter included with the Equipment is conclusive of the number of hours of Equipment use.

7. Invoices for Excess Wear And Tear.

Upon any return of the Equipment, we shall, in our sole discretion, determine the existence of any Excessive Wear and Tear. In the event any item of Equipment is returned to us with Excessive Wear and Tear, you shall, at our sole discretion, either (i) accept an invoice from us and remit to us the cost of repairing or replacing the affected component(s) which we determine necessary to return the Equipment to its required condition, and/or (ii) accept an invoice from us and remit to us an amount equal to our estimate of (1) the cost of new tires or tracks if the tires or tracks are damaged due to broken side walls or excessive cuts or damage, or (2) the cost of new tires or tracks multiplied by the difference between (A) our estimate of the percentage of the useful life of the tires and tracks then remaining, and (B) fifty percent (50%). For example, if you return Equipment with tires having 20% of their useful life remaining, you would remit to us an amount equal to 30% of the cost of new tires ((50% - 20%) multiplied by the cost of new tires). Your failure to remit the required payment to us within ten (10) days of demand shall constitute a default by you under the terms of the Lease.

LESSEE	CITY OF CARLSBAD 101 N HALAGUENO ST CARLSBAD, NM 88220-4943
By:	_____
	WENDY AUSTIN, INTERIM CITY ADMINISTRATOR
Date:	_____

LESSOR	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600 JOHNSTON, IA 50131-6600
By: _____	
Date: _____	



**JOHN DEERE
FINANCIAL**

Delivery and Acknowledgment



Lease Schedule No.	020-0062341-013
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

Capitalized terms shall have the meanings set forth in the above referenced Master Lease Agreement.

Lessee hereby represents and warrants that: (1) all of the Equipment more fully described in the above referenced Lease Schedule was selected by Lessee; (2) all of the Equipment and the Operator's Manuals have been delivered to, and received by, Lessee; (3) all of the Equipment has been inspected by Lessee and is in good working order; (4) all of the Equipment is unconditionally and irrevocably accepted by Lessee for all purposes under the Lease; (5) the safe operation and the proper servicing of the Equipment have been explained to Lessee; (6) Lessee received the manufacturer's written warranty applicable to the Equipment and Lessee understands that its rights are subject to the limitations outlined therein; (7) no Event of Default has occurred and is continuing; and (8) no material adverse change in the financial or business condition of Lessee has occurred since the date of the last financial statement submitted to Lessor by Lessee.

Signed by Lessee's duly authorized representative on the date shown below.

LESSEE	CITY OF CARLSBAD 101 N HALAGUENO ST CARLSBAD, NM 88220-4943
By: 	_____
	WENDY AUSTIN, INTERIM CITY ADMINISTRATOR
Date: 	_____

LESSOR	DEERE CREDIT, INC. 6400 N.W.86 th STREET, PO BOX 6600 JOHNSTON, IA 50131-6600
By: _____	
Date: _____	



JOHN DEERE FINANCIAL

Physical Damage/Liability Insurance

Lease Schedule No.	020-0062341-013
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

LIABILITY INSURANCE on the above referenced Lease Schedule (the "Schedule") to the above referenced Master Lease Agreement will be provided by the following insurance agency:

Name of Agency: NEW MEXICO SELF-INSURERS' FUND	Phone Number of Agency: (800)432-2036
Mailing Address of Agency PO BOX 846, SANTA FE, NM, 87504	Fax Number of Agency

PHYSICAL DAMAGE INSURANCE on the Schedule will be provided by the following agency:

Name of Agency: NEW MEXICO SELF-INSURERS' FUND	Phone Number of Agency: (800)432-2036
Mailing Address of Agency PO BOX 846, SANTA FE, NM, 87504	Fax Number of Agency

If an insurance certificate is available, it should be provided in place of the above information

ADDITIONAL INSURED and LOSS PAYEE:

Deere Credit, Inc.
Its Successors &/or Assigns
6400 NW 86th St
Johnston, IA 50131

The undersigned agrees and understands that, pursuant to the provisions of Section 6 of the Master Lease Agreement, the undersigned must at all times (1) maintain public liability insurance, covering personal injury and property damage for not less than \$1,000,000 per occurrence, naming us (and our successors and assigns) as additional insured; and (2) keep the Equipment insured against all risks of physical damage for no less than its Termination Value (as such term is defined in Section 7 of the Master Lease Agreement), naming us (and our successors and assigns) as sole loss payee.

LESSEE	CITY OF CARLSBAD 101 N HALAGUENO ST CARLSBAD, NM 88220-4943
By: _____ WENDY AUSTIN, INTERIM CITY ADMINISTRATOR	
Date: _____	

Office Use Only

Contact Date(s):	Contact Name:
Liability Insurance Company Policy #:	Liability Insurance Expiration Date
Liability Limits:	Notes:
Physical Damage Insurance Company and Policy #	Physical Damage Insurance Expiration Date
Insured Value:	Notes:
Loss Payee Deere Credit, Inc.? <input type="checkbox"/> Yes <input type="checkbox"/> Will Be Added	Verified By:



**JOHN DEERE
FINANCIAL**

Advance Lease Payment Invoice

Due Date:	03/29/2024
Total Due:	\$6,315.26

Billing Address:	Updated Billing Information:
CITY OF CARLSBAD PO BOX 1569 CARLSBAD, NM 88221-1569	

Please Note: All future invoices will be sent to the billing address shown unless you update your billing information above.

Master Lease Agreement Number		0062341						
App #	Mfg.	Model #	Serial Number	Due Date	Rental/Tax Amount	Security Deposit	Origination Fee	Advance Lease Payment
282934	JD	1600 TURBO SERIES III	1TC1600TLRR69 0069	03/29/2024	\$0.00	\$0.00	\$0.00	\$6,315.26

Correspondence Only:	Remit Checks Payable To:
Deere Credit, Inc. Attn: Lease Administration PO Box 6600 Johnston, IA 50131-6600 Phone: (800) 771-0681 – select "lease" prompt Fax: (800) 254-0020 Lease issues only	Deere Credit, Inc. Attn: Acct. Dept. – ALP Processing PO Box 6600 Johnston, IA 50131-6600

TO ENSURE PROPER CREDIT, STAPLE CHECK AND RETURN THIS INVOICE WITH THE LEASE DOCUMENTS.

STAPLE ADVANCE LEASE PAYMENT CHECK HERE

Every Dishonored Check will result in a fee of \$20.00 or an amount not to exceed the highest amount permitted by law.

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM
PURCHASING RECOMMENDATION

Council Meeting Date: 4/09/24

Department: Sports Complex	BY: Matt Fletcher, CPO	Date: 4/02/24
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Revised 4/13/24

SUBJECT: Equipment
Description:
Lease Contract for John Deere Equipment for use by the Bob Forrest Youth Sports Complex

SYNOPSIS: Qty _____	Total Est. Cost	\$ 27,481.81	Total Actual Cost	\$ 27,481.81
Budgeted Yes	Est. City Share	\$ 27,481.81	Actual City Share	\$ 27,481.81
Account # 30000-61200		\$ 27,481.81		
Account # _____				
Account # _____				
Account # _____				
TOTAL		\$ 27,481.81		

BACKGROUND, JUSTIFICATION AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

The Bob Forrest Youth Sports Complex leases mowing and grounds maintenance equipment from John Deere Company for daily use in mowing the grounds at facility . The lease is procured by use of an authorized cooperative purchasing agreement.

This equipment is leased on 36 month terms. Once the lease reaches the end of the term, the City initiates a new lease and receives new equipment under a new lease agreement.

The attached lease is for one (1) commercial terraincut rough mower. The monthly lease cost for the mower is \$2,086.73 with an annual cost of \$27,481.80.

Requested action to be taken by Council:	Council Action Taken:	Date:
Other: Authorize City Administrator to sign lease contract	Select one	

Reviewed by ^{Interim} City Administrator: /s/Wendy Austin 04/04/2024

POST BID/RFP RECOMMENDATION **Council Meeting Date:**

Requested action to be taken by Council:	Council Action Taken:	Date:
Other:	Select one	

ADDITIONAL INFORMATION:

Reviewed by City Administrator:



JOHN DEERE FINANCIAL

Lease Schedule

Lease Schedule No.	020-0062341-014
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

LEASE TERM

Lease Term Start Date	Lease Term End Date	# Of Payments	Lease Payment	*Sales/Use Tax & Property Tax	Total Lease Payment
03/29/2024	03/29/2027	36	\$2,086.73	\$162.16 + \$41.26	\$2,290.15

*If part of the regular scheduled lease payment

RENEWAL TERM

Renewal Term Start Date	Renewal Term End Date	Renewal Amount	Renewal Payment Amount	Payment Period	Total Renewal Lease Payment

PAYMENT TERMS

PAYMENT DUE AT SIGNING

Due Date	1 st Payment Due Date	Discount Rate	Advance Lease Payment**	\$2,290.15
29	03/29/2024	Internal Rate of Return minus 2 percent (2%)	Origination Fee	\$0.00
Billing Period	Irregular Payments		Security Deposit	\$0.00
<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual <input type="checkbox"/> Irregular			Total Due At Signing	\$2,290.15

**Advance Lease Payment includes the first (1) and last (0) Lease Payment(s)

"Master Agreement" shall mean the above referenced Master Lease Agreement. "Schedule" shall mean this Lease Schedule. "Lease" shall mean this Schedule and the Master Agreement. All of the terms and conditions set forth in the Master Agreement and any amendment, addendum, schedule or attachment thereto or hereto including, but not limited to, the Equipment Return Provisions are hereby incorporated into and made a part of this Schedule.

Lease Payments. You agree to remit the Lease Payments (and applicable sales, use and property taxes) on the dates noted above and all other amounts when due to: DEERE CREDIT, INC., P.O. Box 4450, Carol Stream, IL 60197-4450.

Hourly Charges. You certify that the engine hour meter reading on each item of Equipment is accurate as of the date you sign this Schedule. If you use any Equipment during the Lease Term for more than the Engine Hourly Limit indicated above for that item of Equipment, you will pay to us within 10 days of the Lease Term End Date (or any earlier termination of the Lease) an amount equal to the Excess Hour Charge for that item of Equipment for each engine hour in excess of the Engine Hourly Limit. If the Lease is terminated, cancelled or extended for any reason, the Engine Hourly Limit will be prorated by us in our sole discretion.

Renewal Term. If (1) a Renewal Term is provided for above, and (2) you notify us at least sixty (60) days prior to the end of the Lease Term that you intend to renew the Lease for the Renewal Term, the Lease shall renew for the Renewal Term. You agree to remit to us the Renewal Lease Payments indicated above (plus applicable taxes and other amounts) when due and payable each Billing Period, even if we do not send you a bill or an invoice.

Representations and Warranties. You represent and warrant to us, as of the date you signed this Schedule, that (1) the Equipment was selected by you; (2) the Equipment (including all manufacturer manuals and instructions) has been delivered to, and examined by, you; (3) the safe operation and the proper servicing of the Equipment were explained to you; (4) you received the written warranty applicable to the Equipment and understand that your rights under the written warranty may be limited; (5) the Equipment is unconditionally and irrevocably accepted by you as being suitable for its intended use; (6) the Equipment is in good condition and repair (operating and otherwise); (7) the Equipment shall be used only for the purpose indicated herein; (8) except as disclosed to us, neither you nor any person related to you will have an equity interest in the Equipment on the Lease Term Start Date; and (9) all information provided to us by you is true and correct.

You acknowledge and agree that: (1) we did not select, manufacture or supply any of the Equipment; (2) we acquired the Equipment at your direction; (3) you selected the supplier of the Equipment; (4) you are entitled to all manufacturer warranties ("Warranty Rights") and we assign all Warranty Rights to you, to the extent assignable; (5) you may request an accurate and complete statement of the Warranty Rights, including any disclaimers and limitations, directly from the manufacturer; and (6) you assign to us all your rights (but none of your obligations) under all purchase orders, purchase agreements or similar documents relating to the Equipment. You waive all rights and remedies conferred upon a lessee under Sections 508 – 522 of Article 2A of the Uniform Commercial Code.

Lease Payments may be based on the assumption that we will be entitled to certain tax benefits as the owner of the Equipment. If you take or fail to take any action that results in a loss of such tax benefits, you will pay us, on demand, the amount we calculate as the value of such lost tax benefits.

Miscellaneous. You agree that we can access any information regarding the location, maintenance, operation and condition of the Equipment, and you irrevocably authorize anyone in possession of such information to provide all of that information to us upon our request. You also agree to not disable or otherwise interfere with any information-gathering or transmission device within or attached to the Equipment. You permit us to monitor and record telephone conversations between you and us. By providing any telephone number, including a mobile phone number, to us, any of our affiliates or any debt collectors we retain, we, such affiliates and such retained debt collectors can contact you using that number, including calls using an automatic dialing and announcing device

and prerecorded calls, and that such calls are not "unsolicited" under state or federal law. All of our rights under each Lease shall remain in effect after the expiration of the Lease Term or termination of the Schedule.



JOHN DEERE FINANCIAL

Equipment Return Provisions

Lease Schedule No.	020-0062341-014
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

The following Equipment Return Provisions are hereby incorporated into and made a part of the above referenced Master Lease Agreement (the "Master Agreement"), and entered into between Deere Credit, Inc., as Lessor ("us", "we" or "our"), and CITY OF CARLSBAD, as Lessee ("you" or "your"). Pursuant to Section 9 of the Master Lease Agreement, all Equipment must be returned to us in satisfactory condition. Unsatisfactory condition shall include any condition described in Sections 1 through 4 below ("Excessive Wear and Tear").

1. Mechanical.

- A. Computer systems or safety and emission control equipment not in proper working order.
- B. Mechanical components that are missing, broken or unsafe or that do not operate normally, other than normal tune-ups, given the age of the equipment.
- C. Wear on power train assembly that exceeds manufacturer's then current standards for normal wear and tear.
- D. Any air filters not within manufacturer's specifications.
- E. Any gauges or fluid indicators that are damaged or do not function, the electrical system fails to operate properly, the battery fails to hold a charge or any wire harnesses that are not tied down and kept secured, dry and clean.
- F. Any pumps, motors, valves or cylinders not in good operating condition or that fail to meet manufacturer's rated specifications or hydraulic system exceeds manufacturer's then-current contaminant standards (as shown by oil sample analysis). Equipment not serviced according to the manufacturer's operating manual.
- G. Any lubricant, water or A/C seal leaks.

2. Exterior.

- A. Dents larger than 2 inches in diameter.
- B. Excessive number of dents or scratches.
- C. Any scratch 8" or longer that reaches the metal skin.
- D. Any single chip the size of a quarter or larger or multiple small chips within one square foot.
- E. Substandard paint repairs, such as peeling, bubbling or mismatched shades that evidence poor condition in comparison with original paint and require repainting at a cost in excess of \$200.
- F. Rust holes in the body metal or a rust spot that covers more than a 4-inch square area.
- G. Any glass that must be replaced due to cracks or missing glass and any windshield damages greater than \$50 in amount.
- H. All frame damage and substandard frame repairs.
- I. Any tires or tracks that (a) have broken side walls or excessive cuts or damages, or (b) have less than 50% of the original useful life remaining, or (c) are not of the same size, type grade or equivalent quality manufacturer as were originally included on the Equipment.

3. Cab/Operator Platform.

- A. Heavy interior soil or strong odors, such as manure, that cannot be removed by general cleaning.
- B. Unclean condition of operator environment.
- C. Holes, tears, or burns on the dash, floor covers, seats, headliners, upholstery or interior.

4. General.

- A. Equipment not operated or maintained in accordance with the manufacturer's specifications or if components, fuels or fluids, on or in connection with the Equipment that do not meet manufacturer's standards were used.
- B. Any other damage that in the aggregate costs \$250 or more to repair or that makes the Equipment unlawful or unsafe to operate.

5. Other.

- A. All warranty and PIP work must be completed prior to the Lease Term End Date of the Lease Schedule relating to the Equipment.
- B. The Equipment must be cleaned prior to its return.
- C. The Equipment must be prepared for storage according to the operators manual, including flushing the system and use of winterization fluid.

6. Hour Meter.

For each item of Equipment returned with a broken or missing hour meter, you shall accept an invoice from us and remit to us an amount equal to \$1,000. You agree that the hour meter included with the Equipment is conclusive of the number of hours of Equipment use.

7. Invoices for Excess Wear And Tear.

Upon any return of the Equipment, we shall, in our sole discretion, determine the existence of any Excessive Wear and Tear. In the event any item of Equipment is returned to us with Excessive Wear and Tear, you shall, at our sole discretion, either (i) accept an invoice from us and remit to us the cost of repairing or replacing the affected component(s) which we determine necessary to return the Equipment to its required condition, and/or (ii) accept an invoice from us and remit to us an amount equal to our estimate of (1) the cost of new tires or tracks if the tires or tracks are damaged due to broken side walls or excessive cuts or damage, or (2) the cost of new tires or tracks multiplied by the difference between (A) our estimate of the percentage of the useful life of the tires and tracks then remaining, and (B) fifty percent (50%). For example, if you return Equipment with tires having 20% of their useful life remaining, you would remit to us an amount equal to 30% of the cost of new tires ((50% - 20%) multiplied by the cost of new tires). Your failure to remit the required payment to us within ten (10) days of demand shall constitute a default by you under the terms of the Lease.

LESSEE	CITY OF CARLSBAD 101 N HALAGUENO ST CARLSBAD, NM 88220-4943
By:	_____
	WENDY AUSTIN, INTERIM CITY ADMINISTRATOR
Date:	_____

LESSOR	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600 JOHNSTON, IA 50131-6600
By: _____	
Date: _____	



JOHN DEERE FINANCIAL

Delivery and Acknowledgment



Lease Schedule No.	020-0062341-014
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

Capitalized terms shall have the meanings set forth in the above referenced Master Lease Agreement.

Lessee hereby represents and warrants that: (1) all of the Equipment more fully described in the above referenced Lease Schedule was selected by Lessee; (2) all of the Equipment and the Operator's Manuals have been delivered to, and received by, Lessee; (3) all of the Equipment has been inspected by Lessee and is in good working order; (4) all of the Equipment is unconditionally and irrevocably accepted by Lessee for all purposes under the Lease; (5) the safe operation and the proper servicing of the Equipment have been explained to Lessee; (6) Lessee received the manufacturer's written warranty applicable to the Equipment and Lessee understands that its rights are subject to the limitations outlined therein; (7) no Event of Default has occurred and is continuing; and (8) no material adverse change in the financial or business condition of Lessee has occurred since the date of the last financial statement submitted to Lessor by Lessee.

Signed by Lessee's duly authorized representative on the date shown below.

LESSEE	CITY OF CARLSBAD 101 N HALAGUENO ST CARLSBAD, NM 88220-4943
By: 	_____
	WENDY AUSTIN, INTERIM CITY ADMINISTRATOR
Date: 	_____

LESSOR	DEERE CREDIT, INC. 6400 N.W.86 th STREET, PO BOX 6600 JOHNSTON, IA 50131-6600
By: _____	
Date: _____	



JOHN DEERE FINANCIAL

Physical Damage/Liability Insurance

Lease Schedule No.	020-0062341-014
Master Lease Agreement No.	0062341

Lessee: (Name & Address)	CITY OF CARLSBAD 101 N HALAGUENO ST, , CARLSBAD, NM 88220-4943
Lessor:	DEERE CREDIT, INC. 6400 NW 86 th ST, PO BOX 6600, JOHNSTON, IA 50131-6600

LIABILITY INSURANCE on the above referenced Lease Schedule (the "Schedule") to the above referenced Master Lease Agreement will be provided by the following insurance agency:

Name of Agency: NEW MEXICO SELF-INSURERS' FUND	Phone Number of Agency: (800)432-2036
Mailing Address of Agency PO BOX 846, SANTA FE, NM, 87504	Fax Number of Agency

PHYSICAL DAMAGE INSURANCE on the Schedule will be provided by the following agency:

Name of Agency: NEW MEXICO SELF-INSURERS' FUND	Phone Number of Agency: (800)432-2036
Mailing Address of Agency PO BOX 846, SANTA FE, NM, 87504	Fax Number of Agency

If an insurance certificate is available, it should be provided in place of the above information

ADDITIONAL INSURED and LOSS PAYEE:

Deere Credit, Inc.
Its Successors &/or Assigns
6400 NW 86th St
Johnston, IA 50131

The undersigned agrees and understands that, pursuant to the provisions of Section 6 of the Master Lease Agreement, the undersigned must at all times (1) maintain public liability insurance, covering personal injury and property damage for not less than \$1,000,000 per occurrence, naming us (and our successors and assigns) as additional insured; and (2) keep the Equipment insured against all risks of physical damage for no less than its Termination Value (as such term is defined in Section 7 of the Master Lease Agreement), naming us (and our successors and assigns) as sole loss payee.

LESSEE	CITY OF CARLSBAD 101 N HALAGUENO ST CARLSBAD, NM 88220-4943
By:	_____
	WENDY AUSTIN, INTERIM CITY ADMINISTRATOR
Date:	

Office Use Only

Contact Date(s):	Contact Name:
Liability Insurance Company Policy #:	Liability Insurance Expiration Date
Liability Limits:	Notes:
Physical Damage Insurance Company and Policy #	Physical Damage Insurance Expiration Date
Insured Value:	Notes:
Loss Payee Deere Credit, Inc.? <input type="checkbox"/> Yes <input type="checkbox"/> Will Be Added	Verified By:



**JOHN DEERE
FINANCIAL**

Advance Lease Payment Invoice

Due Date:	03/29/2024
Total Due:	\$2,290.15

Billing Address:	Updated Billing Information:
CITY OF CARLSBAD PO BOX 1569 CARLSBAD, NM 88221-1569	

Please Note: All future invoices will be sent to the billing address shown unless you update your billing information above.

Master Lease Agreement Number	0062341
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App #	Mfg.	Model #	Serial Number	Due Date	Rental/Tax Amount	Security Deposit	Origination Fee	Advance Lease Payment
283041	JD	9009A	1TC9009AKPV08 0238	03/29/2024	\$0.00	\$0.00	\$0.00	\$2,290.15

Correspondence Only:	Remit Checks Payable To:
Deere Credit, Inc. Attn: Lease Administration PO Box 6600 Johnston, IA 50131-6600 Phone: (800) 771-0681 – select "lease" prompt Fax: (800) 254-0020 Lease issues only	Deere Credit, Inc. Attn: Acct. Dept. – ALP Processing PO Box 6600 Johnston, IA 50131-6600

TO ENSURE PROPER CREDIT, STAPLE CHECK AND RETURN THIS INVOICE WITH THE LEASE DOCUMENTS.

STAPLE ADVANCE LEASE PAYMENT CHECK HERE

Every Dishonored Check will result in a fee of \$20.00 or an amount not to exceed the highest amount permitted by law.

**City of Carlsbad
Personnel Department**

**Action Report
Month of March 2024**

City of Carlsbad
 Personnel Department Action Report
 Month of March 2024

EMPLOYEE REPORT	Beginning of Month	New Hires	Terminations	Transfers In	Transfers Out	End of Month
Full-Time Employees	420	10	2	0	0	428
Part-Time/Temp Employees	38	3	2	0	0	39
Total Employees	458	13	4	0	0	467
Administrative	19	0	0	1	0	20
Judicial	6	0	0	1	0	7
Finance	17	2	0	0	1	18
Police	100	6	0	0	0	106
Fire	63	0	0	0	0	63
Community Development	83	1	2	0	0	82
Planning & Regulation	14	0	0	0	0	14
Utilities	72	2	1	0	1	72
Transportation & Facilities	84	2	1	0	0	85
TOTAL	458	13	4	2	2	467

WEEKLY INDEMNITY	Beginning of Month	New Claims	Released To Work	Terminated	End of Month
Employees on WI	7	1	3	0	5

UNEMPLOYMENT CLAIMS	Claims Received	Claims Returned	Claims Denied	Claims Approved	Claims Pending	Claims Appealed
Current Month	0	0	0	0	0	0

DRUG TESTS	Number Given
Pre-employment	7
Probationary	0
Post Accident	13
Random	0
Periodic	0
Probable Cause	0

PHYSICAL EXAMINATIONS	Number Given
Pre-employment	8
Return to Work Evaluation	0
Functional Capacity Evaluation	0

VACANCIES BID	Department
Account Supervisor	Finance
Animal Control Officer	Police
Beautification Coordinator	Executive
Caretaker	Golf
Executive Secretary	Public Works
Foreman	Signs & Markings
Foreman	Street
Foreman	Waste Water
IT Technician	IT
Payroll Manager	Finance
Police Captain	Police
Secretary	Fire
Solid Waste Coordinator	Solid Waste
Street Sweeper	Street
Transit Assistant Manager	Transit

VACANCIES ADVERTISED	Applications Received
Account Supervisor	Pending
Animal Control Officer	Pending
Beautification Coordinator	Pending
Construction Maintenance	Pending
Deputy City Attorney	Pending
Director of Community Services	33
Director of Human Resources	32
Electrician	6
Firefighter	Pending
Information Specialist	Pending
Inspector	Pending
IT Technician	Pending
Lifeguard	Pending
Patrolman	Pending
Payroll Manager	Pending
Police Captain	Pending
Pro Shop Attendant	15
Projects Administrator	Pending
Riverwalk Recreation Attendant, p/t	Pending
Riverwalk Recreation Attendant, seasonal	Pending
Seasonal Laborers	Pending
Transit Driver, on-call	Pending
Truck Driver	Pending
Water Park Recreation Attendant	Pending

TESTING	Number Given
None	

**CARLSBAD MUNICIPAL COURT
CITY OF CARLSBAD
March 2024**

Number of Cases	620
Warrants Outstanding	4515
Amount of Fines	\$ 65,612.00
Cases on Appeal	6

FINES

Summary for the Month of	March 2024
Total Fines	\$65,612.00
Total Prevention Fees	\$ 302.00
Total Lab Fees	\$ 255.00
Total Correction Fees	\$13,691.00
Total Automation Fees	\$ 4,016.00
Judicial Fees	\$ 1,968.00
Notary Fees	\$ 0.00
Victim Restitution	\$ 0.00
Restitution	\$ 100.00
TOTAL	\$ 85,944.00
TOTAL FINES WORKED OUT THROUGH COMMUNITY SERVICE	\$ 1,763.00

cc: Chief
City Administrator
Finance Department


Municipal Judge

*Restitution collected to reimburse court for Court Appointed Attorney, to be put back in the general fund.



CITY OF CARLSBAD

FY 2023 - 2024

DEPARTMENT OF UTILITIES

FEBRUARY 2024

Ivan M. Abell, Director of Utilities

ENVIRONMENTAL SERVICES REPORT

February 2024

Environmental Services:	Current Month	Previous Month	Calendar Year to Date
State and Federal Environmental Violations by City	0	0	0
Environmental Assessments (CDBG, P&Z, Drilling)	0	0	0
Environmental Compliance Inspections	0	0	0
Criminal Complaints Filed	0	0	0
Environmental Projects or Programs	0	0	0
Grease Interceptors Inspections	1	0	1

Laboratory: Municipal Water Sampling/Analysis:	Current Month	Previous Month	Calendar Year to Date
Wellfield Chemical Characteristic Analysis	47	52	99
Partial Wellfield Chemical Characteristics	35	41	76
Monitoring Wells Chemical Analysis	5	5	10
Total Coliform Analysis	40	40	80
Fecal Coliform Analysis	0	0	0
Chlorine Residual Tests (DE)	21	23	44
Special Chemicals (BTEX, Ammonia, Nitrite)	0	0	0

Municipal Wastewater Sampling/Analysis (Reads):	Current Month	Previous Month	Calendar Year to Date
Chemical Oxygen Demand Tests	0	0	0
Biochemical Oxygen Demand	12	15	27
Total Suspended Solids Tests	12	15	27
Volatile Alkalinity Tests	0	0	0
E-Coli on Effluent	12	15	27
Metals/TCLP/PCB/M2 Sampling on Sludge	0	0	0
Fecal Coliform Analysis on Sludge (Compost)	0	0	0
Effluent Chemical Characteristic Analysis	1	1	2

DMR Bench Sheet:	Current Month	Previous Month	Calendar Year to Date
Influent BOD Avg. (Lbs.)	6,949	6,686	13,635
Effluent BOD Avg. (Lbs.)	33.23	43	77
BOD Removal (%)	99.52	99	199
Influent TSS Avg. (Lbs.)	9,619	6,566	16,185
Effluent TSS Avg. (Lbs.)	56.34	58	115
TSS Removal (%)	99.41	99	199

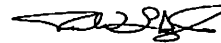
ENVIRONMENTAL SERVICES REPORT

February 2024

Private Well Analysis:	Current Month	Previous Month	Calendar Year to Date
Total Coliform Analysis	37	41	78
Total Coliform Analysis (Construction)	0	2	2
Number of Positives for Confirmation	0	0	0
Chemical Characteristics Analysis	0	0	0
Environment Department Mediated Tests	0	0	0
Lake Carlsbad E-Coli Analysis Performed	0	0	0
Lake Carlsbad Beach Closures Due to Bacterial Count	0	0	0

Golf Course (Reclaimed) Water Analysis (NMED Groundwater Discharge Permit):	Current Month	Previous Month	Calendar Year to Date
Nitrate	5	4	9
Total Kjeldahl Nitrogen	0	0	0
Total Dissolved Solids	1	1	2
E-Coli Analysis	12	15	27
Chemical Characteristics	1	1	2
Other NMED-Required Testing (Chlorides, etc.)	1	1	2

Remarks:



Digitally signed by Richard Aguilar
 DN: cn=Richard Aguilar, o=City of Carlsbad,
 ou=Env Services Lab,
 email=riaguilar@cityofcarlsbadnm.com, c=US
 Date: 2024.03.06 09:58:58 -0700

Richard Aguilar,
Environmental Svcs. Superintendent

Solid Waste Department Summary

February 2024

	<u>This Month</u>	<u>Previous Month</u>	<u>Last Year</u>	<u>Calendar Year to Date</u>
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Garbage Collection (ARC)

Number of ARC Trucks in Operation	20 of 24	12 Of 18	13 of 18	
Tons Collected and Delivered to Landfill	1,575.70	2,121.43	2,119.96	3697.13
Number of Trips to Landfill	220	332	283.00	552

Residential and Commercial Services

Number of Residential Services	0	10,181	10,222.00	
Number of Commercial Services	0	993	994.00	
Number of New Residential Services	0	15	11.00	15
Number of New Commercial Services	0	3	3.00	3

Container Maintenance

Number of 3 CuYard Containers Repaired	16	25	15.00	41
Number of 3 CuYard Containers Replaced	4	0	2.00	4
Number of 1.5 CuYard Containers Repaired	0	2	1.00	2
Number of 1.5 CuYard Containers Replaced	0	0	1.00	0
Number of 96 gallon Containers Repaired	179	164	110.00	343
Number of 96 gallon Containers Replaced	24	4	2.00	28
Number of 96 gallon Lids Replaced	37	32	67.00	69
Number of 96 gallon Wheels Replaced	142	132	43.00	274
Number of 1.5 CuYard Lids Repaired	0	2	1.00	2
Number of 3 CuYard Lids Repaired	8	13	6.00	2
Number of New 96 Gallon Roll-outs	76	45	20.00	65

Trash/Yard Waste Residential Collection (Grapppler)

Number of Trucks in Operation	4 of 7	4 Of 7	4 of 7	
Tons of Trash Delivered to Landfill	107.33	164.09	124.43	271.42
Number of Trips to Landfill	38	68	31.00	106
Green Waste Collected and Delivered to WWTP (Cu.Yd.)	0.00	0	0.00	0
Number of trips to WWTP	0	0	0.00	0

Solid Waste Department Summary

February 2024

<u>This Month</u>	<u>Previous Month</u>	<u>Last Year</u>	<u>Calendar Year to Date</u>
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Sandpoint Landfill Operation

Waste Received from Carlsbad (Tons)	4,011.56	4,199.38	3,378.37	8,210.94
Waste Received from Artesia (Tons)	1,777.65	1,802.22	1,841.28	3,579.87
Waste Received from Eddy County (Tons)	4,261.32	3,604.10	3,283.29	7,865.42
Waste Received from Others (Tons)	221.94	73.26	49.18	295.20
Tipping Fees received at Gate	\$5,934.28	\$5,437.39	3,822.12	\$11,371.67
Tipping fees Billed	\$139,024.43	\$107,598.35	79,331.88	\$246,622.78
Solid Waste Facility Permit Violations	0	0	0.00	0


Convenience Station

Tons of Trash Collected and Delivered to Landfill	343.24	415.04	631.88	758.28
CuYards of Glass	0	0.00	0.00	0.00
Tons of Metal	7.02	6.93	26.70	24.80
Green Waste Collected and Delivered to WWTP (TONS)	0.00	0.00	0.00	0.00
Number of trips to WWTP	0	0.00	0.00	0

Roll Off Rentals

Fees Billed	\$37,339.00	\$41,027.00	30,740.00	\$78,366.00
Tons of Refuse Collected and Delivered to Landfill	240.3	224.08	201.69	464.38
No. of 40 CuYard Containers Rented	5	0.00	0.00	5
No. of 30 CuYard Containers Rented	54	53.00	51.00	107
No. of 25 CuYard Containers Rented	0	0.00	0.00	0
No. of 15 CuYard Containers Rented	0	0.00	0.00	0

REMARKS:



 Albert Moisa, Solid Waste Superintendent
 3-19-24

 Date

Carlsbad Municipal Water System Report

Feb-24

Acre Ft.

Production Figures:

This Month **Previous Month** **Year to Date**

Pumped from Sheep's Draw (Ac. Ft.)	468.06	436.56	904.62
Water Imported from Double Eagle (Ac. Ft.)	16.43	14.59	31.02
Water delivered to Livestock (Ac. Ft.)	0.18	0.05	0.23
Water Sold to Apartments (Ac. Ft.)	9.71	10.54	20.25
Water Sold to Commercial Accounts (Ac. Ft.)	105.71	101.64	207.35
Water Sold to Government Accounts (Ac. Ft.)	14.51	13.97	28.48
Water Sold to Industrial Accounts (Ac.Ft.)	0.05	0.05	0.10
Water Sold to Residential Accounts (Ac.Ft.)	239.29	248.01	487.30
Record Only Accounts (Ac.Ft.)	0.64	0.44	1.08
Water Sold to Semi-Commercial Accounts (Ac.Ft.)	9.11	9.76	18.87
Safe Drinking Water Act Violations	0	0.00	0.00

Wells:

Number in Operation (Sheep's Draw) **	9/9	9/9	
KWH Consumed	393,360	356,880	750,240
Capitan Aquifer Level (Ft. from Surface @ #6)	390.00	390	
Number of New Water Services Installed	12	12	24

Meters:

Total in Service	12,811	12,803	
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Fire Hydrants:

In Service	879	879	
Out of Service	0	0	
Repaired	0	0	0

Remarks:

Ron Myers

Ron Myers, Superintendent

**CARLSBAD WATER SYSTEM WELL OPERATION
Feb-24**

WELL	POWER CONSUMPTION X 400			WATER PRODUCTION X 1000				ENGINE HOUR CLOCK			WATER LEVELS			
	CURRENT MONTH	LAST MONTH	KWH CONSUMED	CURRENT MONTH	LAST MONTH	GALLONS PUMPED	ACRE FEET	CURRENT MONTH	LAST MONTH	HOURS RUN	GPM	STATIC	PUMPED per Hour Meter (gal)	gal/kwh
1	6271	6269	800	75,642	75,515	127,000	0.39	776.2	774.8	1.4	1,750		147,000	525
2	2404	2403	400	37,423	37,312	111,000	0.34	12524.8	12523	1.8	1,200		129,600	420
3	6680	6678	800	615,487	615,275	212,000	0.65	39556.2	39553.9	2.3	1,600		220,800	375
4	23850	23709	56,400	923,550	901,772	21,778,000	66.83	55110	54900.2	209.8	1,750		22,029,000	257
5	22823	22627	78,400	1,692,976	1,658,876	34,100,000	104.65	66438.4	66169.1	269.3	1,200		19,389,600	348
6	41158	41122	5,760	1,213,680	1,213,588	92,000	0.28	1.175	0	3.4	2,800		571,200	421
7	39161	38957	81,600	1,022,944	988,676	34,268,000	105.16	9384	9084.9	299.1	1,950		34,994,700	424
8	36421	36362	23,600	752,325	742,961	9,364,000	28.74	17178	17065.9	112.1	1,350		9,080,100	389
9	14155	13791	145,600	797,292	744,826	52,466,000	161.01	529.3	0	29.5	1,600		2,832,000	324
10														
TOTAL KWH CONSUMED			393,360	TOTAL PUMPED		152,518,000	468.06	TOTAL HOURS RUN		928.7	OIL		TOTAL CHLORINE USED	
											39.5		945	
Reservoir No. 4 Meter				Total Gallons Pumped Comparison				Total Rainfall			Notes			
Inlet This Month X 1000		6,073,119		THIS MONTH		152,518,000	468.06	0.34			Wells #4 and #5 on State Trust Land			
				LAST YEAR, SAME MONTH		102,057,000	313.20							
Inlet Last Month X 1000		5,924,410		DIFFERENCE		50,461,000	154.86							
Total Inlet		148,709,000		* corrected										

**MUNICIPAL WATER SYSTEM
WATER RIGHTS PUMPED (C-76)
ACRE FEET**

(9867 Acre Ft. Available Per Year)

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2002	297.16	268.70	440.91	704.96	958.06	1,066.88	1,341.56	1,074.79	774.52	485.05	280.99	155.99	7849.57
2003	270.84	203.99	505.94	1,064.03	1,206.94	1,122.78	1,343.98	1,076.39	775.41	685.53	305.27	409.57	8970.67
2004	385.42	439.36	489.06	680.19	948.71	1,063.84	1,068.05	798.52	772.40	451.14	364.15	414.64	7875.48
2005	332.30	318.24	425.71	655.91	878.61	1,123.12	1,338.81	773.36	830.12	609.54	478.07	445.90	8209.69
2006	395.24	416.50	606.61	799.07	1,145.49	1,165.26	1,141.96	699.68	536.40	574.84	453.79	372.30	8307.14
2007	386.96	350.66	480.44	665.57	629.51	1,062.65	841.31	964.52	740.42	672.37	485.02	446.90	7726.33
2008	452.24	668.55	705.92	934.92	1,060.06	1,454.74	1,040.96	900.29	768.43	684.45	505.09	456.16	9631.81
2009	458.70	519.36	694.55	871.85	1,095.02	1,202.19	951.06	980.82	809.14	666.16	529.67	420.61	9199.13
2010	422.56	352.26	539.69	327.39	1,150.19	1,219.15	848.31	1,057.28	738.68	677.68	503.09	461.84	8298.12
2011	474.73	536.44	800.88	973.90	1,238.89	1,355.98	1,423.54	1,226.62	886.11	776.71	540.43	454.95	10689.18
2012	466.85	431.44	701.69	810.10	828.11	1,185.27	901.47	1,013.28	806.85	652.17	480.34	461.15	8738.72
2013	423.91	412.36	633.53	822.91	947.12	1,047.09	800.86	925.05	727.29	611.46	451.84	377.93	8,181.35
2014	388.31	383.82	557.69	701.51	872.84	1,031.98	1,122.07	893.82	552.90	541.69	414.16	391.00	7,851.79
2015	428.54	369.38	490.96	711.13	732.60	903.17	919.01	994.43	789.98	522.56	432.59	418.96	7,713.31
2016	408.24	364.58	449.03	573.56	672.93	921.77	1,157.49	791.59	541.42	587.72	443.39	442.94	7,354.66
2017	394.41	415.24	615.73	768.14	921.14	883.20	1,007.00	726.66	715.10	536.59	482.95	484.39	7,950.55
2018	484.78	402.92	640.20	750.65	991.56	1,023.15	954.69	853.04	684.90	530.89	386.73	404.76	8,108.27
2019	392.03	408.30	501.88	712.74	920.31	919.36	931.82	860.57	880.60	570.04	425.02	400.18	7,922.85
2020	424.96	402.62	508.41	896.76	983.81	1,161.49	1,242.85	1,055.78	1,045.26	625.06	411.27	463.48	9,221.75
2021	368.52	418.64	712.43	726.13	809.60	837.98	793.40	764.24	715.36	652.05	455.84	403.35	7,657.54
2022	336.78	376.58	515.94	882.91	973.98	975.97	1,147.87	848.51	773.62	493.31	404.67	435.85	8,165.99
2023	330.74	313.20	484.97	823.91	916.36	1,079.94	1,232.41	1,223.34	819.91	621.07	486.28	470.52	8,802.65
2024	436.56	468.06											904.62

Sheep Draw Water Pumped - Acre Feet 9867 Acre Feet Available Per Year

Difference

	January	February	March	April	May	June	July	August	September	October	November	December	Total	
														9867
1999	259.97	275.11	485.12	694.64	798.54	839.80	903.86	1,102.11	751.40	534.43	395.59	253.70	7,294.27	2,572.73
Total		535.08	1,020.20	1,714.84	2,513.38	3,353.18	4,257.04	5,359.15	6,110.55	6,644.98	7,040.57	7,294.27		
2000	303.85	377.05	592.71	710.82	1,063.12	1,168.66	1,072.41	1,134.64	886.90	487.13	260.33	278.46	8,336.08	1,530.92
Total		680.90	1,273.61	1,984.43	3,047.55	4,216.21	5,288.62	6,423.26	7,310.16	7,797.29	8,057.62	8,336.08		
2001	379.10	340.60	389.50	714.80	1,129.68	1,083.53	1,341.71	1,074.96	612.54	662.35	356.80	276.27	8,361.84	1,505.16
Total		719.70	1,109.20	1,824.00	2,953.68	4,037.21	5,378.92	6,453.88	7,066.42	7,728.77	8,085.57	8,361.84		
2002	297.16	268.70	440.91	704.96	958.06	1,066.88	1,341.56	1,074.79	774.52	485.05	280.99	155.99	7,849.57	2,017.43
Total		565.86	1,006.77	1,711.73	2,669.79	3,736.67	5,078.23	6,153.02	6,927.54	7,412.59	7,693.58	7,849.57		
2003	270.84	203.99	505.94	1,064.03	1,206.94	1,122.78	1,343.98	1,076.39	775.41	685.53	305.27	409.57	8,970.67	896.33
Total		474.83	980.77	2,044.80	3,251.74	4,374.52	5,718.50	6,794.89	7,570.30	8,255.83	8,561.10	8,970.67		
2004	385.42	439.36	489.06	680.19	948.71	1,063.84	1,068.05	798.52	772.40	451.14	364.15	414.64	7,875.48	1,991.52
Total		824.78	1,313.84	1,994.03	2,942.74	4,006.58	5,074.63	5,873.15	6,645.55	7,096.69	7,460.84	7,875.48		
2005	332.30	318.24	425.71	655.91	878.61	1,123.12	1,338.81	773.36	830.12	609.54	478.07	445.90	8,209.69	1,657.31
Total		650.54	1,076.25	1,732.16	2,610.77	3,733.89	5,072.70	5,846.06	6,676.18	7,285.72	7,763.79	8,209.69		
2006	395.24	416.50	606.61	799.07	1,145.49	1,165.26	1,141.96	699.68	536.40	574.84	453.79	372.30	8,307.14	1,559.86
Total		811.74	1,418.35	2,217.42	3,362.91	4,528.17	5,670.13	6,369.81	6,906.21	7,481.05	7,934.84	8,307.14		
2007	386.96	350.66	480.44	665.57	629.51	1,062.65	841.31	964.52	740.42	672.37	485.02	446.90	7,726.33	2,140.67
Total		737.62	1,218.06	1,883.63	2,513.14	3,575.79	4,417.10	5,381.62	6,122.04	6,794.41	7,279.43	7,726.33		
2008	452.24	668.55	705.91	934.92	1,060.06	1,454.74	1,040.96	900.29	768.43	684.45	505.09	456.16	9,631.80	235.20
Total		1,120.79	1,826.70	2,761.62	3,821.68	5,276.42	6,317.38	7,217.67	7,986.10	8,670.55	9,175.64	9,631.80		
2009	458.70	519.36	694.55	871.85	1,095.02	1,202.19	951.06	980.82	809.14	666.16	529.67	420.61	9,199.13	667.87
Total		978.06	1,672.61	2,544.46	3,639.48	4,841.67	5,792.73	6,773.55	7,582.69	8,248.85	8,778.52	9,199.13		

Sheep Draw Water Pumped - Acre Feet 9867 Acre Feet Available Per Year

Difference

	January	February	March	April	May	June	July	August	September	October	November	December	Total	
2011	474.73	536.44	800.88	973.90	1,238.89	1,355.98	1,423.54	1,226.62	886.11	776.71	540.43	454.95	10,689.18	9,867.00
Total		1,011.17	1,812.05	2,785.95	4,024.84	5,380.82	6,804.36	8,030.98	8,917.09	9,693.80	10,234.23	10,689.18		-822.18
2012	466.85	431.44	701.69	810.10	828.11	1,185.27	901.47	1,013.28	806.85	652.17	480.34	461.15	8,738.72	1,128.28
Total		898.29	1,599.98	2,410.08	3,238.19	4,423.46	5,324.93	6,338.21	7,145.06	7,797.23	8,277.57	8,738.72		
2013	423.91	412.36	633.53	822.91	947.12	1,047.09	800.86	925.05	727.29	611.46	451.84	377.93	8,181.35	1,685.65
Total		836.27	1,469.80	2,292.71	3,239.83	4,286.92	5,087.78	6,012.83	6,740.12	7,351.58	7,803.42	8,181.35		
2014	388.31	383.82	557.69	701.51	872.84	1,031.98	1,122.07	893.82	552.90	541.69	414.16	391.00	7,851.79	2,015.21
Total		772.13	1,329.82	2,031.33	2,904.17	3,936.15	5,058.22	5,952.04	6,504.94	7,046.63	7,460.79	7,851.79		
2015	482.54	369.38	490.96	711.13	732.60	903.17	919.01	994.43	789.98	522.56	432.59	418.96	7,767.31	2,099.69
Total		851.92	1,342.88	2,054.01	2,786.61	3,689.78	4,608.79	5,603.22	6,393.20	6,915.76	7,348.35	7,767.31		
2016	408.24	364.58	449.03	573.56	672.93	921.77	1,157.49	791.59	541.42	587.72	443.39	442.94	7,354.66	2,512.34
Total		772.82	1,221.85	1,795.41	2,468.34	3,390.11	4,547.60	5,339.19	5,880.61	6,468.33	6,911.72	7,354.66		
2017	394.41	415.24	615.73	768.14	921.14	883.20	1,007.00	726.66	715.10	536.59	482.95	484.39	7,950.55	1,916.45
Total		809.65	1,425.38	2,193.52	3,114.66	3,997.86	5,004.86	5,731.52	6,446.62	6,983.21	7,466.16	7,950.55		
2018	484.78	402.92	640.20	750.65	991.56	1,023.15	954.69	853.04	684.90	530.89	386.73	404.76	8,108.27	1,758.73
Total		887.70	1,527.90	2,278.55	3,270.11	4,293.26	5,247.95	6,100.99	6,785.89	7,316.78	7,703.51	8,108.27		
2019	392.03	408.30	501.88	712.74	920.31	919.37	931.82	860.57	880.60	570.04	425.02	400.18	7,922.86	1,944.14
Total		800.33	1,302.21	2,014.95	2,935.26	3,854.63	4,786.45	5,647.02	6,527.62	7,097.66	7,522.68	7,922.86		
2020	438.73	387.20	523.69	928.40	1,015.17	1,177.81	1,120.57	1,062.19	1,066.47	539.88	430.40	463.48	9,153.99	713.01
Total		825.93	1,349.62	2,278.02	3,293.19	4,471.00	5,591.57	6,653.76	7,720.23	8,260.11	8,690.51	9,153.99		
2021	368.01	418.64	712.43	726.13	809.60	837.98	793.40	764.24	715.36	652.05	455.84	403.35	7,657.03	2,209.97
Total		786.65	1,499.08	2,225.21	3,034.81	3,872.79	4,666.19	5,430.43	6,145.79	6,797.84	7,253.68	7,657.03		
2022	336.78	376.58	515.94	882.91	973.98	975.97	1,147.87	848.51	773.62	493.31	404.67	435.85	8,165.99	1,701.01
Total		713.36	1,229.30	2,112.21	3,086.19	4,062.16	5,210.03	6,058.54	6,832.16	7,325.47	7,730.14	8,165.99		
2023	330.74	313.20	484.97	823.91	916.36	1,079.94	1,232.41	1,223.34	819.91	621.07	486.28	470.52	8,802.65	1,064.35
Total		643.94	1,128.91	1,952.82	2,869.18	3,949.12	5,181.53	6,404.87	7,224.78	7,845.85	8,332.13	8,802.65		
2024	436.56	468.06											904.62	8,962.38
Total		904.62	904.62	904.62	904.62	904.62	904.62	904.62	904.62	904.62	904.62	904.62		

**MUNICIPAL WATER SYSTEM
WATER SOLD
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2002	361.07	373.67	374.24	527.03	956.91	1164.77	996.81	977.93	1153.18	607.92	431.21	301.17	8225.93
2003	391.07	304.91	404.05	598.44	999.69	1030.55	1061.59	1169.02	1046.52	731.67	559.33	342.90	8639.75
2004	418.82	310.23	337.47	479.72	685.58	983.31	984.35	814.65	763.90	475.02	413.97	302.17	6969.19
2005	368.27	275.02	299.95	503.81	693.61	840.97	1296.63	886.95	754.89	658.48	468.42	377.74	7424.74
2006	414.11	677.07	450.26	678.99	725.58	1280.61	1083.09	705.47	564.79	572.49	430.08	334.08	7916.62
2007	354.13	318.22	380.07	437.50	653.63	756.31	899.69	774.47	896.99	541.76	530.36	344.60	6887.72
2008	326.32	375.13	413.71	627.22	842.55	1025.43	943.54	855.66	605.32	559.79	494.03	0.00	7068.68
2009	439.03	352.25	614.56	2321.13	1268.55	1211.80	1099.85	927.66	1030.30	765.46	976.92	564.86	11572.39
2010	567.77	471.98	547.89	757.41	1272.59	1066.67	1081.09	913.03	1105.63	1031.30	950.35	786.38	10552.09
2011	444.27	760.40	774.56	1233.94	1338.54	1352.52	1717.55	1405.40	1347.32	924.66	874.25	677.51	12850.91
2012	565.38	642.97	581.75	926.04	848.01	1000.31	1440.24	1151.94	1237.78	866.01	865.02	670.56	10796.01
2013	616.99	671.05	645.27	975.32	1,049.04	1,249.35	944.16	951.65	1,058.15	785.76	592.98	469.93	10009.65
2014	475.55	470.88	507.96	653.04	920.21	1,041.43	1,157.15	978.54	953.20	558.14	550.55	417.07	8683.72
2015	554.03	282.77	520.21	624.18	758.14	800.23	985.58	863.21	1,068.91	639.91	478.42	448.68	8024.27
2016	456.11	302.09	482.13	615.67	708.66	828.42	1,071.60	820.33	623.25	460.13	368.12	305.64	7042.15
2017	389.78	306.60	440.10	639.30	654.47	838.50	1,049.46	698.97	675.47	504.34	369.98	684.50	7251.47
2018	422.34	332.74	345.80	670.09	971.05	975.33	966.38	858.30	871.28	451.67	438.60	355.77	7659.35
2019	393.08	359.27	350.49	565.35	639.70	890.80	994.24	830.84	887.72	711.06	476.89	347.64	7447.08
2020	336.09	374.53	311.89	657.80	838.33	1,080.68	1,158.21	1,069.16	1,120.70	917.05	479.84	350.70	8694.98
2021	414.83	317.62	365.17	767.91	768.47	825.78	709.15	954.68	597.34	740.70	354.75	355.25	7171.65
2022	367.25	360.67	349.75	693.40	752.88	1,174.27	944.39	940.34	746.92	652.02	422.08	417.17	7821.14
2023	415.22	425.35	388.23	673.31	718.62	934.58	1,252.39	1,033.06	956.03	1,031.98	452.53	368.91	8650.21
2024	384.41	379.02											763.43

* No info available due to transition of new billing system.

MUNICIPAL WATER SYSTEM METERS IN SERVICE

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2002	10,385	10,398	10,360	10,396	10,485	10,486	10,492	10,479	10,512	10,468	10,448	10,534
2003	10,453	10,420	10,550	10,505	10,549	10,682	10,604	10,670	10,688	10,631	10,586	10,606
2004	10,608	10,541	10,617	10,624	10,627	10,678	10,700	10,730	10,671	10,672	10,684	10,597
2005	10,581	10,552	10,635	10,618	10,645	10,733	10,757	10,747	10,725	10,695	10,692	10,669
2006	10,676	10,669	10,663	10,704	10,687	10,759	10,720	10,746	10,739	10,711	10,670	10,645
2007	10,633	10,661	10,679	10,717	10,726	10,814	10,801	10,786	10,740	10,735	10,761	10,753
2008	10,804	10,784	10,809	10,826	10,836	10,880	10,861	10,875	10,820	10,758	10,713	
2009	10,747	10,881	11,126	11,179	11,156	11,232	11,160	11,184	11,158	11,169	11,182	11,107
2010	11,132	11,105	11,201	11,157	11,208	11,221	11,216	11,225	11,201	11,205	11,184	11,165
2011	11,271	11,292	11,256	11,270	11,281	11,349	11,331	11,333	11,327	11,300	11,267	11,224
2012	11,249	11,229	11,277	11,305	11,333	11,353	11,368	11,370	11,319	11,332	11,344	11,321
2013	11,290	11,361	11,415	11,405	11,412	11,450	11,488	11,527	11,507	11,478	11,482	11,442
2014	11,501	11,709	11,803	11,807	11,848	11,893	11,919	11,988	12,001	12,022	11,892	11,993
2015	11,865	11,871	11,916	12,014	11,957	12,153	12,062	12,087	12,020	11,968	11,825	11,978
2016	11,854	12,116	12,166	12,125	12,143	12,224	12,170	12,219	12,162	12,076	11,979	11,948
2017	12,053	12,014	12,173	12,213	12,173	12,223	12,205	12,376	12,213	12,300	12,204	12,288
2018	12,315	12,307	12,329	12,384	12,452	12,531	12,472	12,479	12,467	12,408	12,577	12,352
2019	12,440	12,386	12,556	12,508	12,653	12,656	12,698	12,827	12,644	12,804	12,708	12,653
2020	12,769	12,731	12,859	12,827	12,844	12,926	12,912	13,057	12,996	13,265	12,812	12,799
2021	12,830	12,920	12,945	13,205	13,026	13,162	*	*	*	*	*	*
2022	*	*	*	*	*	*	*	*	*	*	*	12,980
2023	12,572	12,604	12,610	12,646	12,627	12,676	12,706	12,717	12,723	12,736	12,773	12,815
2024	12,803	12,811										12,815

* No info available due to transition of new billing system.

**AIRPORT WELLS
WATER RIGHTS PUMPED
ACRE FEET**

(61.24 Acre Ft. Available Per Year)

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2012	0.59	0.62	1.08	0.83	1.83	3.64	2.31	3.67	2.27	2.01	1.67	1.87	22.41
2013	0.89	2.32	2.26	1.18	1.28	1.73	1.9	3.69	2.01	2.62	1.99	1.06	22.93
2014	1.86	0.73	1.04	1.55	0.66	0.20	3.17	0.96	0.37	1.89	0.80	0.61	13.84
2015	0.03	0.07	0.03	1.02	1.59	2.47	2.57	2.96	2.13	1.35	2.46	1.57	18.25
2016	1.14	2.21	3.25	3.48	2.43	1.45	0.064	0.031	0.002	0.016	0.00	0.058	14.13
2017	0.07	0	0.16	0.31	0	0.51	0.55	0.022	0.00	0	0.18	0.14	1.94
2018	0.00	0.07	0.06	0.082	0.303	0.00	0.002	0.002	0.002	0.002	0.001	0.002	0.53
2019	0.00	0.023	0.36	0.56	1.17	2.72	2.13	2.67	2.60	2.60	1.33	1.99	18.15
2020	0.48	1.04	0.49	1.47	0.61	1.37	0	0.99	1.55	2.03	0.46	0.35	10.84
2021	0.77	0.34	0.45	0.71	0.94	2.01	1	1.56	0.92	0.83	1.21	0.61	11.35
2022	0.89	0.62	0.95	0.27	0.21	0.33	0.9	0.08	0.12	0.01	0.03	0	4.41
2023	0.00	0.00	0.00	0.40	0.52	3.75	3.61	1.76	0.09	0.08	0.00	0.00	10.21
2024	0.58	0.03											0.61

**AIRPORT WELLS
WATER SOLD
ACRE FEET**

2011	1.18	1.09	3.76	3.87	3.32	3.91	3.32	1.69	3.5	3.25	3.99	0.81	33.69
2012	2.36	2.65	3.77	3.84	1.27	3.02	2.66	4.22	2.62	2.3	2.65	1.28	32.64
2013	1.32	1.11	0.88	0.49	0.64	1.67	1.78	2.70	1.22	0.97	1.20	0.95	14.93
2014	1.15	0.05	1.51	0.82	0.07	0	0.44	0.27	0.01	0.02	0.01	0.01	4.36
2015	0.01	0	0	0	0	1.04	1.78	3.12	1.12	1.60	2.07	1.25	11.99
2016	1.4	2.14	2.86	3.35	2.18	1.22	0.04	0.03	0	0.02	0	0	13.235
2017	0	0	0.15	0	0	0.48	0.53	0.00	0	0.00	0.00	0	1.16
2018	0	0	0	0	0	0	0	0.00	0	0.00	0.00	0	0
2019	0	0	0.33	0.052	0	0.031	0.031	0.00	0.37	0.29	0.51	0.08	1.694
2020	0.04	6.27	0.38	1.21	0.58	1.17	0.31	0.00	1.5	1.75	0.40	0.29	13.9
2021	0.84	0.17	0.42	0.73	0.92	1.9	1.36	1.26	1.17	0.64	0.95	0.79	11.15
2022	*	*	*	*	*	*	*	*	*	*	*	*	0
2023	0	0	0	0	0.73	0.55	1.35	3.70	0.95	0.15	0.00	0.00	7.43
2024	1.77	0.52											2.29

Note: Water Sold Report is always one month behind.

*no info available

WATER CUTOFFS

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2012		227	231	299	198	270	216	274	219	504	293	408	3139
2013	260	309	321	438	267	362	267	315	236	254	362	291	3682
2014	343	360	433	239	353	185	363	399	288	373	484	307	4127
2015	397	254	252	355	256	273	299	303	266	307		535	3497
2016	414	440	298	297	360	239	345	163	177	212	240	172	3357
2017	268	210	265	279	158	231	170	195	166	228	221	177	2568
2018	241	301	120	139	235	153	227	152	206	216	368	199	2557
2019	257	270	334	143	238	147	222	251	235	256	341	217	2911
2020	172	172	235	0	0	0	0	0	0	643	0	0	1222
2021	0	0	0	428	341	255	0	0	0	0	0	0	1024
2022	0	0	797	324	394	345	457	285	276	0	0	0	2878
2023	506	275	291	318	305	277	319	232	223	248	0	0	2994
2024	372	306											678

**SHOOTING RANGE WELL
WATER RIGHTS PUMPED
ACRE FEET**

(3 Acre Ft. Available Per Year)

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2013	0.05	0.03	0.12	0.16	0.18	0.28	0.21	0.32	0.16	0.20	0.08	0.05	1.84
2014	0.07	0.10	0.16	0.10	0.13	0.29	0.34	0.31	0.17	0.18	0.11	0.10	2.06
2015	0.08	0.07	0.12	0.12	0.11	0.12	0.12	0.26	0.21	0.12	0.08	0.09	1.50
2016	0.07	0.08	0.10	0.07	0.10	0.22	0.16	0.09	0.04	0.04	0.037	0.031	1.04
2017	0.009	0.01	0.03	0.02	0.04	0.10	0.04	0.055	0.046	0.05	0.03	0.034	0.47
2018	0.04	0.02	0.04	0.02	0.02	0.03	0.02	0.03	0.025	0.025	0.034	0.058	0.37
2019	0.061	0.05	0.06	0.05	0.03	0.03	0.01	0.02	0.02	0.02	0.086	0.080	0.51
2020	0.003	0.00	0	0	0.00	0.00	0.05	0.06	0.06	0.043	0.043	0.000	0.26
2021	0	0	0	0	0.00	0.03	0.02	0.02	0.09	0.03	0.02	0.04	0.25
2022	0.01	0.01	0.02	0.02	0.02	0.01	0.2	0.01	0.02	0.02	0.02	0.02	0.38
2023	0.01	0.02	0.02	0.02	0.06	0.02	0.02	0.02	0.02	0.02	0.01	0.01	0.25
2024	0.02	0.02											0.04

**SUNSET GARDEN WELL
WATER RIGHTS PUMPED
ACRE FEET**

(28.2 Acre Ft. Available Per Year)

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2012											10.75	0	10.75
2013	0.00	0.00	0.00	1.51	4.53	4.47	2.98	5.09	1.73	0.51	0.00	0.00	20.82
2014	0.00	0.00	0.00	0.00	0.00	0.00	6.81	2.58	0.53	0.00	0.00	0.00	9.92
2015	0.00	0.00	0.07	2.68	2.84	1.93	1.13	2.72	4.71	1.47	2.17	0.26	19.98
2016	0.13	1.89	3.37	4.30	4.49	4.11	4.66	0.82	0.00	0.00	0.00	0.00	23.77
2017	0.00	0.00	2.60	3.92	3.87	3.63	4.18	2.97	0.33	0.00	0.00	1.38	22.88
2018	0.00	0.07	0.00	1.48	3.53	3.74	1.57	3.46	2.79	1.00	0.00	0.00	17.64
2019	0.00	0.00	0.04	2.56	4.36	4.57	2.72	4.60	3.06	1.04	0.28	0.00	23.23
2020	0.13	0.55	1.06	2.53	3.77	1.58	3.97	3.97	3.81	2.46	0.78	0.29	24.90
2021	0.0045	0.00	1.06	2.23	3.09	3.29	3.36	2.23	2.60	1.07	1.49	1.41	21.84
2022	0.03	0.00	0.31	1.88	3.20	3.74	3.45	2.60	2.30	0.64	0.47	0.70	19.32
2023	0.00	0.02	0.73	2.40	3.43	3.49	0.83	3.03	2.09	0.81	0.00	0.00	16.83
2024	0.31	1.04											1.35

WOOD FARM WELLS

1,000,000 325850

*1,000,000 /325850 Formula do not delete

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2011	0.08	0.90	11.80	9.78	22.64	22.54	18.60	19.88	37.60	8.30	2.20	0.02	154.34
2012	0.00	4.81	9.11	11.16	11.79	18.76	10.00	11.69	15.24	1.89	0.05	0.64	95.13
2013	0.35	0.61	7.29	12.51	16.04	16.64	10.62	16.57	8.61	4.90	2.34	0.27	96.75
2014	1.36	1.79	6.64	10.62	16.04	22.07	21.01	13.50	3.31	4.42	0.12	0.25	101.13
2015	0.29	1.31	4.58	13.01	37.20	2.17	11.54	20.96	8.74	1.62	0.44	0.55	102.41
2016	0.27	2.67	14.42	13.03	22.09	30.57	33.17	15.94	8.18	15.31	1.38	1.44	158.47
2017	1.62	0.93	11.50	17.68	24.58	29.33	29.59	11.05	14.91	8.18	1.56	1.43	152.36
2018	5.02	3.40	12.61	15.47	26.22	28.31	27.69	24.12	34.65	5.79	11.50	1.96	196.74
2019	4.11	2.42	0.01	14.42	49.65	0.70	25.05	21.72	26.74	13.96	7.00	7.03	172.81
2020	1.14	3.17	12.31	28.72	29.58	30.38	32.01	27.83	27.48	11.13	10.67	5.49	219.91
2021	6.43	4.67	13.65	12.36	10.29	18.34	18.00	12.59	17.68	14.25	9.66	0.00	137.92
2022	1.30	2.77	10.51	18.12	17.91	21.45	25.31	19.20	11.97	11.94	10.19	5.43	156.10
2023	10.89	6.93	13.21	15.06	19.29	27.86	35.38	30.59	17.55	10.27	5.52	34.34	226.89
2024	4.29	7.87											12.16

Water Department Summary
Double Eagle Water System
Feb-24
Acre Ft.

Production Figures:

This Month **Previous Month** **Year to Date**

Water:

Pumped from Double Eagle (Ac. Ft.)	43.37	66.48	109.85
Water Exported to Carlsbad Municipal System	16.43	14.59	31.02
Water delivered to "Paying Livestock Water" Customers (Ac. Ft.)	0.33	0.24	0.57
Water delivered to "Free Livestock Water" Customers (Ac. Ft.)	0.65	0.54	1.19
Water sold to "Governmental Domestic Water" Customers (Ac. Ft.)	0.55	0.54	1.09
Water sold "Commercial Domestic Water" Customers (Ac. Ft.)	0.04	0.08	0.12
Water sold to "Industrial Water" customers (Ac. Ft.)	2.39	3.33	5.72
Water delivered to WIPP (Ac. Ft.)	1.71	1.19	2.90
Water Used by SmithCo - New Waterline Construction	0	0.00	0.00
Safe Drinking Water Act Violations	0	0.00	0.00

Wells:

Wells in Operation	23	21	
KWH consumed	60,702	87,069	147,771
Total No. of Wells	23	23	
Ogallala Aquifer Level at Hudson 1	126.18	126	
Tatum Aquifer Level	119.87	119.01	
Meters in Service	66	66	

Distribution Figures:

Transmission Lines:

Line Extension (feet)	0	0	0
Line Replacement (feet)	0	0	0
Leaks (Main Lines)	14	12	26
Leaks (Service Lines)	0	0	0
Number of Isolating Valves Operated	3	1	4
Number of Isolating Valves Serviced	0	0	0
Number of Pressure Reducing Valves Serviced	0	0	0
Number of Air Relief Valves Serviced	0	0	0
		0	0

Remarks:

Wells Down - C-3, AMB-1, AMB-3, CR-16, CR-17
* Not available
** No info available due to billing transitioning to new system.

Ron Myers

Ron Myers, Water Superintendent

Double Eagle Well Operation Feb-24

Well	Status	Water Production				Power Consumption			Motor Hours			Well Information		
		Present Read	Previous Read	Water Pumped		Present Read	Previous Read	KWH	Current	Previous	Hours Run	Avg GPM	Static Water Elevation	Pumping Elevation
				Gallons	Acre Ft.									
AMBASSADOR # 1	Neptune/ Trident											off		
AMBASSADOR # 4	Well Inoperable													
AMBASSADOR # 3	Well Inoperable					8,649	8,507	142				off		
C-11	McCrometer	53,088,551	51,313,186	1,775,365	5.45	184,221	178,106	6,115						
C-10	McCrometer	46,620,777	45,813,633	807,144	2.48	216,215	212,627	3,588						
C-6	Mc Crometer	57,942,006	056,144,289	1,797,717	5.52	572,712	568,062	4,650	22,500.2	22,342.7	157.5	140		
CAPROCK # 19	Mc Crometer Mag	34,970,072	34,728,848	241,224	0.74	35,628	34,234	1,394	17,046.2	16,682.0	364.2	25		
CAPROCK # 13	Mc Crometer	122,662,257	120,679,706	1,982,551	6.08	264,038	257,588	6,450	24,568.7	24,018.0	550.7	140		
C-9	McCrometer	43,121,077	41,405,919	1,715,158	5.26	167,110	162,089	5,021		0.0				
CAPROCK # 20	Sensus/ Omni	0	0	0	0.00	229,185	229,121	64	12,277.1	12,277.1	0	150		
CAPROCK # 10	Mc Crometer	2,198,043	002,196,397	1,646	0.01	121,418	121,342	76	342.9	342.7	0.2	90		
C-8	McCrometer	53,119,764	52,134,921	984,843	3.02	155,820	153,152	2,668		0.0				
C-7	McCrometer	29,783,306	29,418,668	364,638	1.12	111,786	109,220	2,566		0.0				
CAPROCK # 18	Sensus/ Omni	3,443,021	003,442,784	237	0.00	59,413	59,342	71	12,470.6	12,470.6	0	90		
CAPROCK # 6	Neptune/ Trident	144,149,688	144,149,671	17	0.00	85,086	85,002	84	29,180.1	29,180.1	0	105		
CAPROCK # 4	McCrometer	42,543,896	41,175,800	1,368,096	4.20	77,332	71,490	5,842	17,973.6	17,422.8	550.8	45		
CAPROCK # 1	Mc Crometer	40,759,011	40,331,063	427,948	1.31	156,303	153,912	2,391	20,298.8	20,098.5	200.3	30		
Frontier # 2	Mc Crometer	46,623,779	45,498,712	1,125,067	3.45	17,866	14,421	3,445	19,989.7	19,522.0	467.7	30		
Frontier # 1	Sensus/ Omni	148	147	1	0.00	1,948	1,890	58	27,273.7	27,273.7	0	50		
FRONTIER # 3	Mc Crometer	700,138	210	699,928	2.15	1,646	158	1,488	14,939.7	14,863.2	76.5	140		
C-2	Mc Crometer	18,813,128	18,638,709	174,419	0.54	38,729	38,302	427	56.4	41.7	14.7	160		
HUDSON # 1	Octave	22,733,947	22,665,074	68,873	0.21	249,195	248,271	924	11,725.7	11,712.6	13.1	130		
CAPROCK # 14	Mc Crometer	73,386,443	73,128,105	258,338	0.79	83,418	82,736	682	11,674.5	11,640.1	34.4	110		
CAPROCK # 15A	Mc Crometer	114,655	1,141	113,514	0.35	2,774	2,442	332	10,031.9	10,018.6	13.3	130		
CAPROCK # 21	Mc Crometer	78,898,530	78,674,750	223,780	0.69	211,662	209,498	2,164	15,053.4	15,010.4	43	65		
C-1	Mc Crometer	6,673	5,148	1,525	0.00	115,388	115,316	72	17,484.3	17,484.3	0	110		
CAPROCK # 2	Well Inoperable													
CAPROCK # 3	Well Inoperable													
CAPROCK # 5	Well Inoperable													
C-5	Well Inoperable													
C-4	Mc Crometer													
C-3	Mc Crometer													
CAPROCK # 17	Mc Crometer											80		
CAPROCK # 16	Mc Crometer											off		
Boosters		9,866,615	9,866,615	0	0.00	278,178	268,217	9,961	10999.9	10999.9	0			
2 MG RESERVOIR						1,439	1,412	27						
Totals				14,132,029	43.37			60,702			2486.40			

Meter Reads in Barrells
 Ambassadors #1 & #3 - Wells Inoperable
 C-3, & Caprock #16 - Wells Inoperable
 Meter Changed Out
 Meter removed.

**DOUBLE EAGLE WATER SYSTEM
WATER RIGHTS PUMPED
ACRE FEET**

7648 Acre Ft. Available Per Year

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2003	122.27	104.02	106.63	131.16	131.94	108.31	137.27	122.89	129.50	122.80	83.40	125.20	1,425.39
2004	94.10	99.14	108.96	88.59	85.29	104.91	80.47	96.62	108.99	99.07	84.00	132.98	1,183.12
2005	81.06	73.83	91.00	90.00	110.71	129.71	103.80	125.81	89.55	91.54	92.55	103.75	1,183.31
2006	99.66	92.01	109.29	75.35	137.85	132.18	86.22	98.53	96.51	96.88	103.45	82.69	1,210.62
2007	73.12	78.65	99.85	73.60	97.46	93.25	114.77	141.58	113.26	111.06	98.79	109.92	1,205.31
2008	108.28	117.41	93.89	110.54	91.87	107.59	103.60	134.80	114.37	126.79	119.45	139.80	1,368.39
2009	115.53	83.87	105.70	112.09	109.80	124.02	128.01	105.62	101.64	134.59	96.48	98.93	1,316.28
2010	98.23	113.03	134.55	139.75	121.56	152.79	139.33	180.08	160.27	158.58	167.75	151.88	1,717.80
2011	171.89	131.01	144.73	160.28	185.57	170.30	157.83	137.34	139.25	135.26	137.58	117.98	1,789.02
2012	112.77	108.16	110.15	110.62	111.76	186.92	141.80	163.02	72.61	134.45	161.72	175.64	1,589.62
2013	164.38	146.44	142.20	145.50	142.80	124.28	97.54	94.88	109.18	103.89	93.63	85.58	1,450.30
2014	85.93	86.42	87.69	97.98	125.16	108.77	144.13	120.58	98.47	114.24	102.38	107.72	1,279.47
2015	89.83	63.29	89.61	87.98	64.58	50.44	70.24	51.81	37.52	33.59	30.08	30.07	699.04
2016	30.64	38.22	36.18	26.75	28.85	34.75	32.22	33.35	23.61	26.72	29.06	31.03	371.38
2017	25.7	35.61	28.01	23.74	32.89	38.88	31.35	39.17	34.97	35.18	35.9	30.94	392.34
2018	40.13	23.75	34.02	35.14	39.33	42.3	31.46	43.72	38.41	37.23	35.01	31.7	432.20
2019	38.5	31.43	38.88	47.10	47.95	27.52	54.21	65.54	52.22	48.53	47.46	38.97	538.31
2020	33.11	23.96	37.75	38.84	68.02	54.59	77.21	59.61	62.09	51.36	93.76	34.66	634.96
2021	62.14	65.22	46.43	96.87	69.61	96.94	91.63	56.41	120.17	121.64	87.7	85.52	1,000.28
2022	68.37	81.29	92.93	110.89	112.75	115	78.14	79.49	131.9	119.22	93.76	138.36	1,222.10
2023	108.02	142.18	195.09	128.58	88.51	93.44	86.57	75.07	55.22	73.24	70.51	62.8	1,179.23
2024	66.48	43.37											109.85

**DOUBLE EAGLE WATER SYSTEM
WATER SOLD/PROVIDED
ACRE FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2003	103.16	118.81	92.16	100.16	106.02	121.98	117.48	118.48	96.98	96.27	117.92	65.14	1,255
2004	77.06	132.54	98.28	113.37	95.77	156.29	95.71	102.28	75.52	133.76	82.88	78.70	1,242
2005	95.53	53.68	62.88	76.56	70.95	68.86	107.91	88.42	76.59	66.83	88.31	60.69	917
2006	68.06	68.09	64.04	74.07	54.60	73.13	70.56	65.77	63.28	71.94	70.15	67.72	811
2007	63.47	71.20	43.33	64.06	81.36	83.03	80.18	72.46	89.35	38.88	49.77	115.89	853
2008	73.31	54.99	170.85	58.17	113.89	87.58	112.17	93.30	54.07	113.46	87.57	0.00	1,019
2009	133.68	134.89	193.91	128.57	124.42	147.29	149.87	144.41	403.39	204.34	216.64	205.47	2,187
2010	166.20	147.23	156.74	206.90	262.81	159.74	235.21	209.27	261.26	289.04	249.98	202.71	2,547
2011	273.88	296.83	197.17	305.62	293.17	356.46	306.39	341.59	373.96	299.28	332.79	115.34	3,492
2012	70.53	108.07	365.95	127.64	147.59	169.53	110.81	151.82	168.33	94.88	158.73	145.76	1,820
2013	304.62	105.90	114.03	89.49	91.59	72.45	66.60	67.58	58.66	52.40	62.94	49.32	1,136
2014	60.02	54.78	73.24	66.94	80.62	76.05	68.73	80.55	75.86	58.67	67.36	63.32	826
2015	59.07	47.81	31.75	28.16	38.17	18.94	17.79	19.48	17.51	11.21	9.04	8.54	307
2016	11.61	8.13	9.02	7.07	5.58	4.20	7.95	6.37	7.11	4.21	3.57	3.61	78
2017	4.28	4.14	3.55	4.95	3.85	8.38	7.79	4.46	4.83	3.69	4.76	7.98	63
2018	6.59	9.34	3.65	6.59	7.74	7.76	11.90	10.94	10.64	4.89	8.53	4.29	93
2019	8.82	6.04	3.21	5.81	9.53	6.98	9.20	9.01	13.52	11.29	9.57	11.67	105
2020	8.15	8.88	6.63	7.80	8.57	11.79	12.75	11.66	9.38	8.64	8.64	11.87	115
2021	4.34	2.25	8.89	9.73	16.09	8.99	13.45	7.96	8.14	6.35	18.20	7.44	111.83
2022	4.86	4.86	7.35	8.99	11.39	11.67	13.44	12.63	11.79	7.41	8.69	5.88	108.96
2023	9.35	7.06	7.84	10.60	8.74	9.70	13.87	13.02	14.00	10.60	7.83	6.68	119.29
2024	6.61	6.90											13.51

Note: Free Stock Included

17

** Number includes Paying Livestock/Free Livestock/Gov Domestic/Comm Domestic/Industrial/WIPP

SEWER COLLECTIONS REPORT

Feb 24

Calendar
This Month Previous Month Year to Date


Collection Lines:

Total Mileage of Main Line in System			139
Line Extension (Ft.)	0	0	0
Line Replacement (Ft.)	0	0	0
Repairs on Main Lines	0	0	0
Main Line Stoppages	4	4	8
Number of Manholes and Cleanouts	0	0	0
Manholes Flushed	0	0	0
Manholes Repaired	0	0	0
Customer Service Repairs	1	1	2
Customer Complaints, All Other	10	6	16
Carlsbad Line Location Service	0	0	0
Double Eagle Line Location Service	0	0	0
Ft. Sewer Liner Cleaned/Rodded	2,880	2,613	5,493
Sewer Tap Inspections	0	0	0
Total No. of Customer Services	0	0	0
Total No. of New Cust. Services Installed	0	0	0

Lift Stations:

Total in Service			
Number of After-Hour Control Panel Alarms	3	2	5
Number of Repairs	0	1	1
KWH Consumed, Primary Lift Station	43520	56,320	99,840
KWH Consumed, All Other Lift Stations	9617	11,932	21,549

Replaced sewer line for fire station 2. 6ft of 4 in pipe. Pulled pumps at farmview, battan, and qual hallow lift station.



**EFFLUENT DISCHARGE TO PECOS RIVER
ACRE / FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2000	275.31	248.42	260.88	233.80	316.16	282.37	276.77	278.69	311.94	258.03	349.52	325.73	3,417.62
2001	272.21	204.60	217.67	191.40	142.09	236.98	244.68	224.77	225.64	195.79	254.84	265.78	2,676.45
2002	266.35	232.01	263.62	256.99	225.81	190.74	250.02	214.79	206.30	244.07	207.28	239.84	2,797.82
2003	195.98	143.44	168.79	155.94	169.64	151.16	185.64	183.40	174.65	209.24	209.88	236.34	2,184.10
2004	232.32	213.56	223.88	291.51	274.82	213.81	209.05	186.17	199.53	241.73	280.59	208.26	2,775.23
2005	184.13	164.12	178.11	168.66	206.41	168.17	167.37	181.58	157.77	173.60	147.12	169.92	2,066.96
2006	141.87	127.02	172.99	140.40	140.92	169.70	174.86	188.76	197.39	185.97	178.88	182.23	2,000.99
2007	175.29	153.32	169.55	166.88	207.94	153.26	271.96	303.14	316.00	351.48	364.76	305.84	2,939.42
2008	259.44	239.22	252.53	246.40	228.69	180.08	206.35	210.09	240.35	261.89	258.89	171.21	2,755.14
2009	358.99	231.11	189.22	175.11	196.47	196.37	167.43	158.99	147.30	182.56	165.29	186.18	2,355.02
2010	179.80	164.40	171.85	172.47	136.28	138.37	220.04	174.07	196.08	190.49	192.02	181.35	2,117.22
2011	177.75	161.00	153.44	128.22	131.87	132.52	140.71	144.86	149.98	149.77	158.14	176.47	1,804.73
2012	177.26	133.35	158.96	132.17	197.54	139.17	163.09	149.43	143.97	124.39	140.86	183.20	1,843.39
2013	174.54	155.21	161.36	131.65	121.07	133.60	175.46	164.14	177.28	206.07	240.30	209.81	2,050.49
2014	210.63	150.47	156.04	153.06	160.67	157.52	218.21	280.09	284.34	255.76	244.57	224.53	2,495.89
2015	251.82	212.71	212.94	169.98	208.69	201.13	216.44	237.77	198.80	221.07	202.61	233.28	2,567.24
2016	250.84	215.81	203.86	199.36	220.94	213.33	202.97	238.61	251.05	230.03	217.11	202.17	2,646.08
2017	226.02	195.23	190.92	172.18	121.62	114.39	132.83	166.44	166.80	172.02	164.66	171.59	1,994.70
2018	180.72	134.33	132.78	116.31	115.83	119.59	129.91	152.77	160.73	184.72	166.96	175.48	1,770.13
2019	187.77	147.18	151.39	141.14	122.93	147.25	156.34	163.47	171.70	196.57	190.31	181.66	1,957.71
2020	171.87	152.55	144.74	108.70	129.17	128.14	127.36	133.91	137.49	147.44	150.85	168.11	1,700.33
2021	176.88	166.70	155.81	141.66	147.77	138.68	213.38	233.23	213.59	229.06	205.63	201.46	2,223.85
2022	215.85	180.58	165.29	88.93	133.36	132.40	154.29	155.42	159.82	200.87	194.49	193.65	1,974.95
2023	195.33	175.90	127.53	162.53	166.59	105.31	32.91	101.38	64.63	215.46	212.03	193.65	1,753.25
2024	72.18	28.76											100.94

**EFFLUENT REUSE
ACRE / FEET**

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2001	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2002	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2003	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2004	18.94	15.45	17.52	25.36	40.46	43.55	50.58	38.81	31.31	20.14	7.82	8.08	318.02
2005	6.96	5.99	14.35	35.49	31.91	43.54	45.14	30.45	37.52	25.95	25.12	20.74	323.16
2006	22.68	22.17	23.21	37.40	49.95	99.47	207.81	72.92	23.20	34.28	20.50	17.75	631.34
2007	13.63	13.91	24.14	31.79	27.52	49.34	36.59	38.53	32.68	25.42	12.77	13.64	319.96
2008	15.06	20.54	21.83	41.29	46.49	48.50	35.56	40.95	22.85	38.63	26.92	7.18	365.80
2009	16.77	20.71	26.54	40.51	39.84	41.08	44.08	51.38	49.33	43.70	27.62	11.71	413.27
2010	16.58	8.89	23.08	31.79	62.07	61.63	15.10	49.33	28.02	29.55	21.36	18.51	365.91
2011	14.69	8.13	38.05	54.54	56.44	52.72	55.45	50.42	49.73	44.67	23.78	7.38	456.00
2012	5.82	10.40	24.91	46.25	37.18	50.67	42.51	59.86	50.03	26.67	15.56	8.15	378.01
2013	8.68	7.48	21.68	38.81	58.76	53.68	37.15	36.50	21.42	29.52	12.20	14.36	340.24
2014	19.88	23.44	34.05	32.20	47.27	54.26	67.18	45.85	21.00	32.05	19.69	28.04	424.91
2015	7.33	13.31	21.93	47.89	49.49	75.50	63.51	46.70	44.23	16.48	17.41	12.08	415.86
2016	7.43	17.65	41.85	42.00	37.41	34.82	53.26	35.94	29.90	29.75	21.56	18.97	370.54
2017	10.85	15.78	32.93	38.92	58.76	70.39	69.88	42.35	41.26	32.46	17.40	10.48	441.46
2018	25.29	45.73	62.15	81.04	88.81	83.84	93.81	74.15	55.54	42.74	34.22	15.62	702.94
2019	18.09	35.37	50.54	63.17	87.76	78.14	89.60	85.06	68.66	48.29	26.89	27.94	679.51
2020	28.16	29.07	40.67	66.70	70.90	67.84	77.07	74.77	58.73	42.58	23.60	10.88	590.97
2021	7.76	6.75	44.46	41.16	47.64	63.50	37.20	40.37	10.15	33.27	30.33	13.21	375.80
2022	6.81	14.04	38.29	48.19	67.72	82.38	70.77	77.47	75.39	27.51	15.31	14.71	538.59
2023	12.63	10.61	83.36	56.85	58.04	127.63	177.03	111.88	140.74	1.90	29.15	29.41	839.23
2024	76.73	133.77											210.50

CITY OF CARLSBAD

INTER-OFFICE MEMORANDUM

Richard Lopez, Mayor

March 26, 2024

TO: Council Members

FROM: Mayor Lopez

RE: Board, Commission and Committee Appointments

Subject to the approval of the Governing Body, I would like to appoint the following:

PARKS & RECREATION ADVISORY BOARD

Appoint: Denton McCullough 4 Year Term

Thank you
RL/wca



February 22, 2024

By Email to: City.clerk@cityofcarlsbadnm.com **AND** Certified Mail No.: 7022 1670 0002 1180 5648

City of Carlsbad
Attn: Nadine Mireles, Clerk
PO Box 1569
Carlsbad, NM 88221-1569

Lic. No. /Appl. No.: **Application No. None assigned**
Name of Applicant: D&J Guadalupe Mountain Brewing LLC
Doing Business As: Guadalupe Mountain Brewing Co.
Proposed Location: 3324 National Parks Hwy., Carlsbad, NM 88220

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing.** Both publications must occur before a hearing can be conducted. The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and



regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;

ABC has no preference in the option you choose.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A SMALL BREWER LIQUOR LICENSE.

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,

Tammy M. Sandoval

Tammy M. Sandoval

Admin Law Judge | Hearing Officer

NM Regulation & Licensing Department

Alcoholic Beverage Control Division

Phone: (505) 476-4548 | Email: Tammy.Sandoval@rld.nm.gov

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement





NMRLD
NEW MEXICO
REGULATION &
LICENSING DEPARTMENT

RECEIVED
SEP 25 2023
ALCOHOLIC BEVERAGE DIVISION

STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

Small Brewer and Off-Site Location Application | \$200.00 Application Fee, non-refundable

ABC USE ONLY: Application Fee \$ 200 Received on: 8-8-23 Receipt No. _____
License Fee \$ _____ Received on: _____ Receipt No. _____
Application Number: _____ Local Option District: _____

Check appropriate boxes:

Application is for New License | Off-Site Location - 1st, 2nd, 3rd | Master License Number _____

Applicant is Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME OF APPLICANT: D+J Guadalupe Mountain Brewing, LLC

D/B/A Name to be used: Guadalupe Mountain Brewing Co. Business Phone No: 575-361-3547

Mailing Address: 8 Colabeza Draw Lane, Carlsbad NM 88220

Email (required): GmBrewing@yahoo.com

Physical location where license is to be used: 3324 National Parks Hwy Carlsbad NM 88220
County: Eddy (Include street number / highway number / state road, city, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location Yes No If Yes, License # / Type: _____

Contact Person: Jason Maley Phone #: 575-361-3547 Email: GmBrewing@yahoo.com

I, (print name) Jason Maley, as (title) President being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: J Maley Date: 8/18/23

Notary Public Use Only: (State of New Mexico, County of Eddy)
SUBSCRIBED AND SWORN TO before me this 15th day of May, 2023
By: Jason Maley Notary Public: Patricia A. Warren
Date my Commission Expires: 11-20-2023

STATE OF NEW MEXICO
NOTARY PUBLIC
PATRICIA A. WARREN
ID# 1098910
EXP. 11-20-2023

Local Option District Use Only: Local Governing Body of City of Carlsbad City, County, Village

Public Hearing held on April 9 2024 Please check one: Approved Disapproved

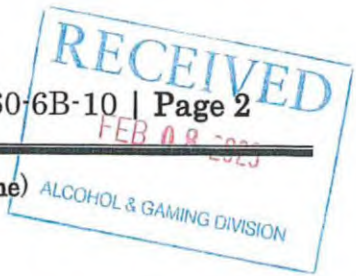
Signature of City/County Official: _____ Title: Mayor

Alcoholic Beverage Control Division Use Only: Approved Disapproved, _____

Signed by Director: _____ Date: _____



Premises Location, Ownership, and Description | NMSA §60-6B-10 | Page 2



1. The land and building which is proposed to be the licensed premises is: (check one)

Owned by Applicant, copy of deed/document attached

Leased by Applicant, copy of lease/document attached

Other (provide details): Land will be owned by Applicant after all Licenses have been obtained.

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): _____

B. Date and Term of Lease: _____

3. Premises location is Zoned (example C-1, see Zoning Statement): C-2

Zoning Statement attached, Yes No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Cavern Baptist Church Miles/feet: 338.76 Ft

Address/location of Church: 110 Russel St. Carlsbad NM 88220

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Dr. Emmitt Smith School Miles/feet: 1.2

Address/location of School: 2415 Carr St. Carlsbad NM 88220

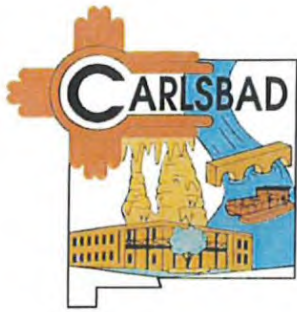
6. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8 1/2 x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

7. Type of Operation: Hotel Lounge Package Grocery Racetrack

Restaurant Craft Distiller Small Brewer Winery Wholesaler

Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



DALE JANWAY
Mayor

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

JOHN LOWE
City Administrator

October 25, 2023,

ZONING DISTRICT DETERMINATION

Property Address: 3324 National Parks Highway Carlsbad, NM 88220
Legal Description: Lot 10, Block 3, Merchant Subdivision
Assessor Property Number: 4-157-130-431-115
Property Owner: Guadalupe Mountains Brewing Company, LLC.
Zoning District: "C-2" Commercial 2

To Whom It May Concern,

According to the City's official zoning map, the subject property located at 3324 National Parks Highway is zoned "C-2" Commercial 2 District. According to Code of Ordinances Section 56-41(g) Table 3, the retail sale of alcohol, including on premises/on-site consumption of alcohol, as well as the operation of a restaurant and the manufacturing and selling of beer and wine are allowed uses within the "C-2" Commercial 2 zoning district.

If additional information is needed, please contact me at 575-885-1185 or via email at jepatterson@cityofcarlsbadnm.com.

Thank you,

Jeff Patterson
Director of Planning & Regulation

COUNCILORS

Ward 1
LISA A. ANAYA-FLORES
EDWARD T. RODRIGUEZ

Ward 2
J.J. CHAVEZ
JEFF FORREST

Ward 3
KARLA NIEMEIER
JUDITH WATERS

Ward 4
WESLEY CARTER
MARK WALTERSHEID

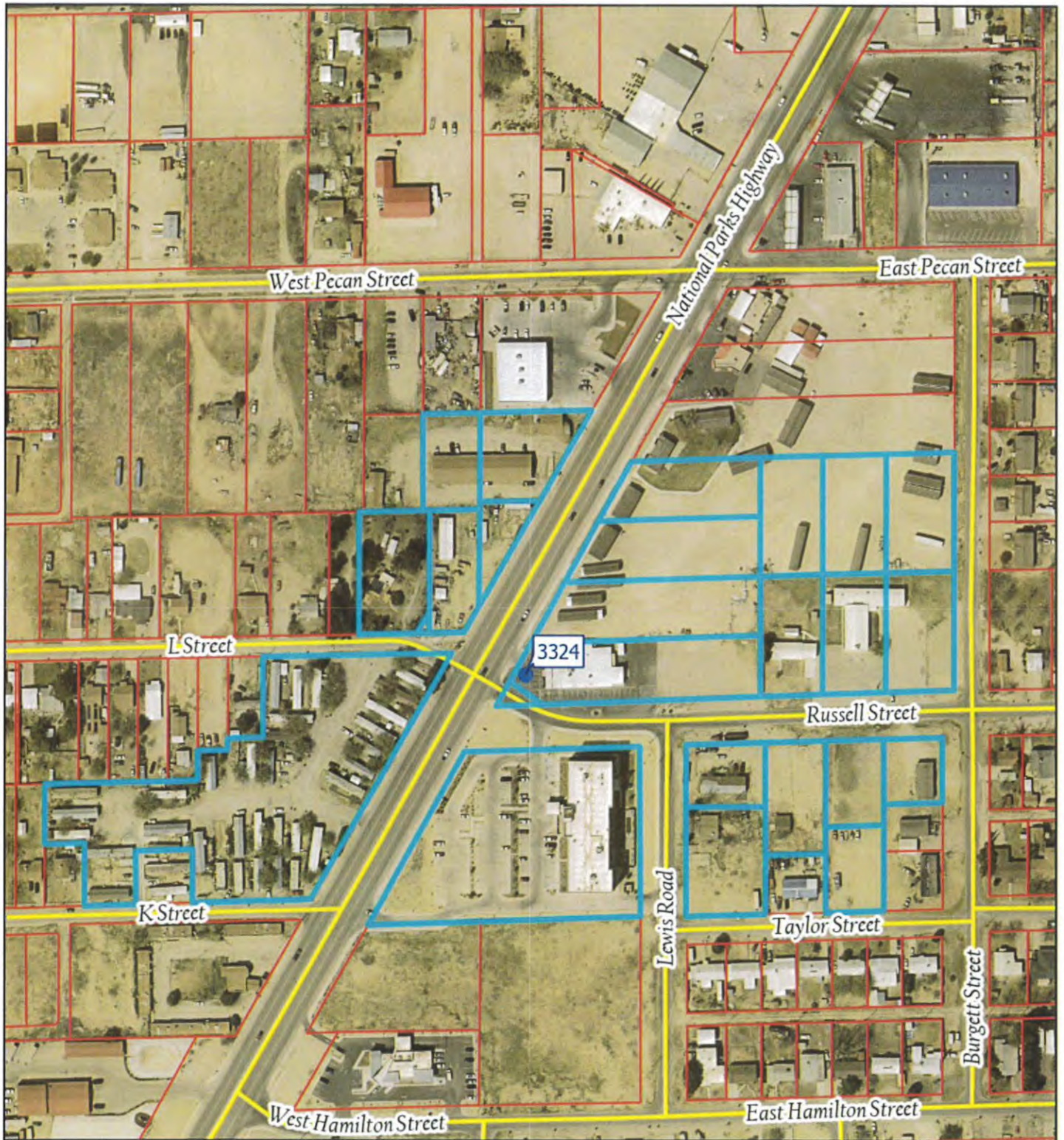
Scale: 1:2,880

300 Foot Buffer

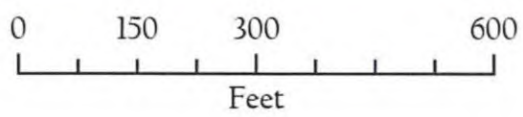
Map #: 2985_ed01

1 inch = 240 feet

Date: 2/26/2024



- Carlsbad Address
- ▭ Parcel
- Roads



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



PROOF OF PUBLICATION

City Of Carlsbad
Pobox 1569
Carlsbad NM 88221

STATE OF WISCONSIN, COUNTY OF BROWN

The Carlsbad Current Argus, a newspaper published in the city of Carlsbad, Eddy County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

02/28/2024, 03/10/2024

and that the fees charged are legal.
Sworn to and subscribed before on 03/10/2024

Nicole Jacobs
Legal Clerk

Kathleen Allen
Notary, State of WI, County of Brown

1-7-25

My commission expires
Publication Cost: \$37.00
Order No: 9896461 # of Copies:
Customer No: 1361078 1
PO #:

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

**NOTICE OF HEARING
REGARDING
APPLICATION FOR A
SMALL BREWER
LIQUOR LICENSE**

Notice is hereby given that a public hearing will be held by the City of Carlsbad, New Mexico in the Council Chambers of the Municipal Annex, 114 S Halagueno Street, Carlsbad, NM at 5:00 p.m. on April 9, 2024.

The purpose of the hearing will be to accept public comment on whether the City Council should approve or disapprove an application for a Small Brewer Liquor License

Applicant: D&J Guadalupe Mountain Brewing, LLC
D/B/A: Guadalupe Mountain Brewing Co
Address: 3324 National Parks Hwy
Carlsbad, NM 88220

Only questions relating to the Liquor License will be considered.
Written comments regarding this matter maybe directed to the office of the City Administrator, City of Carlsbad, 101 N. Halagueno Street, PO Box 1569, Carlsbad, New Mexico, 88220, or by email to oeramirez@cityofcarlsbadnm.com and will be accepted until 5:00 p.m. on April 3, 2024.
/s/Wendy Austin
City Administrator.
#5882383, Current Argus, Feb.28, March 10, 2024

 Legal Notices

**NOTICE OF HEARING
REGARDING
APPLICATION FOR A SMALL
BREWER
LIQUOR LICENSE**

Notice is hereby given that a public hearing will be held by the City of Carlsbad, New Mexico in the Council Chambers of the Municipal Annex, 114 S Halagueno Street, Carlsbad, NM at 6:00 p.m. on April 9, 2024.

The purpose of the hearing will be to accept public comment on whether the City Council should approve or disapprove an application for a Small Brewer Liquor License

Applicant: D&J Guadalupe Mountain Brewing, LLC
D/B/A: Guadalupe Mountain Brewing Co
Address: 3324 National Parks Hwy
Carlsbad, NM 88220

Only questions relating to the Liquor License will be considered.

Written comments regarding this matter may be directed to the office of the City Administrator, City of Carlsbad, 101 N. Halagueno Street, PO Box 1569, Carlsbad, New Mexico, 88220, or by email to oeramirez@cityofcarlsbadnm.com and will be accepted until 5:00 p.m. on April 3, 2024.

/s/Wendy Austin
City Administrator.
#5882383, Current Argus,
Feb.28, March 10, 2024

**NOTICE OF HEARING
REGARDING
APPLICATION FOR A
SMALL BREWER
LIQUOR LICENSE**

Notice is hereby given that a public hearing will be held by the City of Carlsbad, New Mexico in the Council Chambers of the Municipal Annex, 114 S. Halagueno Street, Carlsbad, NM at 6:00 p.m. on April 9, 2024.

The purpose of the hearing will be to accept public comment on whether the City Council should approve or disapprove an application for a Small Brewer Liquor License

Applicant: D&J Guadalupe Mountain Brewing, LLC
D/B/A: Guadalupe Mountain Brewing Co
Address: 3324 National Parks Hwy
Carlsbad, NM 88220

Only questions relating to the Liquor License will be considered.

Written comments regarding this matter may be directed to the office of the City Administrator, City of Carlsbad, 101 N. Halagueno Street, PO Box 1569, Carlsbad, New Mexico, 88220, or by email to

oeramirez@cityofcarlsbadnm.com and will be accepted until 5:00 p.m. on April 3, 2024.

/s/Wendy Austin
City Administrator
#5882383, Current Argus,
Feb. 28, March 10, 2024



February 22, 2024

By Email to: City.clerk@cityofcarlsbadnm.com **AND** Certified Mail No.: 7022 1670 0002 1180 5648

City of Carlsbad
Attn: Nadine Mireles, Clerk
PO Box 1569
Carlsbad, NM 88221-1569

Lic. No. /Appl. No.: **Application No. None assigned**
Name of Applicant: D&J Guadalupe Mountain Brewing LLC
Doing Business As: Guadalupe Mountain Brewing Co.
Proposed Location: 3324 National Parks Hwy., Carlsbad, NM 88220

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing.** Both publications must occur before a hearing can be conducted. The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30-day notice and the 45-day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and



regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;

ABC has no preference in the option you choose.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A WINEGROWER LIQUOR LICENSE.

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,

Tammy M. Sandoval

Tammy M. Sandoval

Admin Law Judge | Hearing Officer

NM Regulation & Licensing Department

Alcoholic Beverage Control Division

Phone: (505) 476-4548 | Email: Tammy.Sandoval@rld.nm.gov

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement





NMRLD

NEW MEXICO REGULATION & LICENSING DEPARTMENT

ALCOHOLIC BEVERAGE CONTROL DIVISION

SEP 29 2023

STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

Winegrower and Off-Site Location Application | \$200.00 Application Fee, non-refundable

ABC USE ONLY: Application Fee \$ 200 Received on: 2-8-23 Receipt No.

License Fee \$ Received on: Receipt No.

Application Number: Local Option District:

Check appropriate boxes:

Application is for [X] New License | [] Off-Site Location - [] 1st, [] 2nd, [] 3rd | Master License Number

Applicant is [] Individual [X] Limited Liability Company [] Corporation [] Partnership (General/Limited)

NAME OF APPLICANT: DJJ Guadalupe Mountain Brewing Co. LLC

D/B/A Name to be used: Guadalupe Mountain Brewing Co. Business Phone No: 575-361-3547

Mailing Address: 8 Calabaza Draw Lane Carlsbad NM 88220

Email (required) GM Brewing @ yahoo.com

Physical location where license is to be used: 3324 National Parks Hwy Carlsbad NM 88220
County: Eddy (Include street number / highway number / state road, city, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location [] Yes [] No If Yes, License # / Type:

Contact Person: Jason Maley Phone #: 575-361-3547 Email: GM Brewing @ yahoo.com

I, (print name) Jason Maley, as (title) President being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: [Signature] Date: 5/15/23

Notary Public Use Only: (State of New Mexico County of Eddy
SUBSCRIBED AND SWORN TO before me this 15th day of May 2023
By: Jason Maley Notary Public: Patricia A. Warren
Date my Commission Expires: 11-20-2023
STATE OF NEW MEXICO
NOTARY PUBLIC
PATRICIA A. WARREN
ID# 1098910
EXP. 11-20-2023

Local Option District Use Only: Local Governing Body of City of Carlsbad City, County, Village

Public Hearing held on April 9 2024 Please check one: [] Approved [] Disapproved

Signature of City/County Official: Title: Mayor

Alcoholic Beverage Control Division Use Only: [] Approved [] Disapproved,

Signed by Director: Date:





1. The land and building which is proposed to be the licensed premises is: (check one)

- Owned by Applicant, copy of deed/document attached
- Leased by Applicant, copy of lease/document attached

Other (provide details): Land will be owned by Applicant after all licenses have been obtained

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): _____

B. Date and Term of Lease: _____

3. Premises location is Zoned (example C-1, see Zoning Statement): C-2

Zoning Statement attached, Yes No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Cavern Baptist Church Miles/feet: 338.76 Ft

Address/location of Church: 110 Russel St Carlsbad NM 88220

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

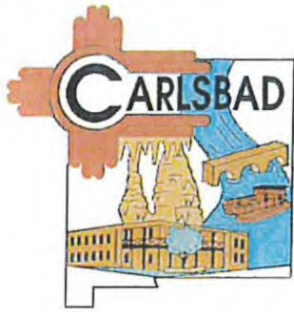
Name of School: Dr. Emmitt Smith School Miles/feet: 1.2 miles

Address/location of School: 2415 Carver St. Carlsbad NM 88220

6. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

7. Type of Operation: Hotel Lounge Package Grocery Racetrack
- Restaurant Craft Distiller Small Brewer Winery Wholesaler
- Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



DALE JANWAY
Mayor

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

JOHN LOWE
City Administrator

October 25, 2023,

ZONING DISTRICT DETERMINATION

Property Address: 3324 National Parks Highway Carlsbad, NM 88220
Legal Description: Lot 10, Block 3, Merchant Subdivision
Assessor Property Number: 4-157-130-431-115
Property Owner: Guadalupe Mountains Brewing Company, LLC.
Zoning District: "C-2" Commercial 2

To Whom It May Concern,

According to the City's official zoning map, the subject property located at 3324 National Parks Highway is zoned "C-2" Commercial 2 District. According to Code of Ordinances Section 56-41(g) Table 3, the retail sale of alcohol, including on premises/on-site consumption of alcohol, as well as the operation of a restaurant and the manufacturing and selling of beer and wine are allowed uses within the "C-2" Commercial 2 zoning district.

If additional information is needed, please contact me at 575-885-1185 or via email at jepatterson@cityofcarlsbadnm.com.

Thank you,

Jeff Patterson
Director of Planning & Regulation



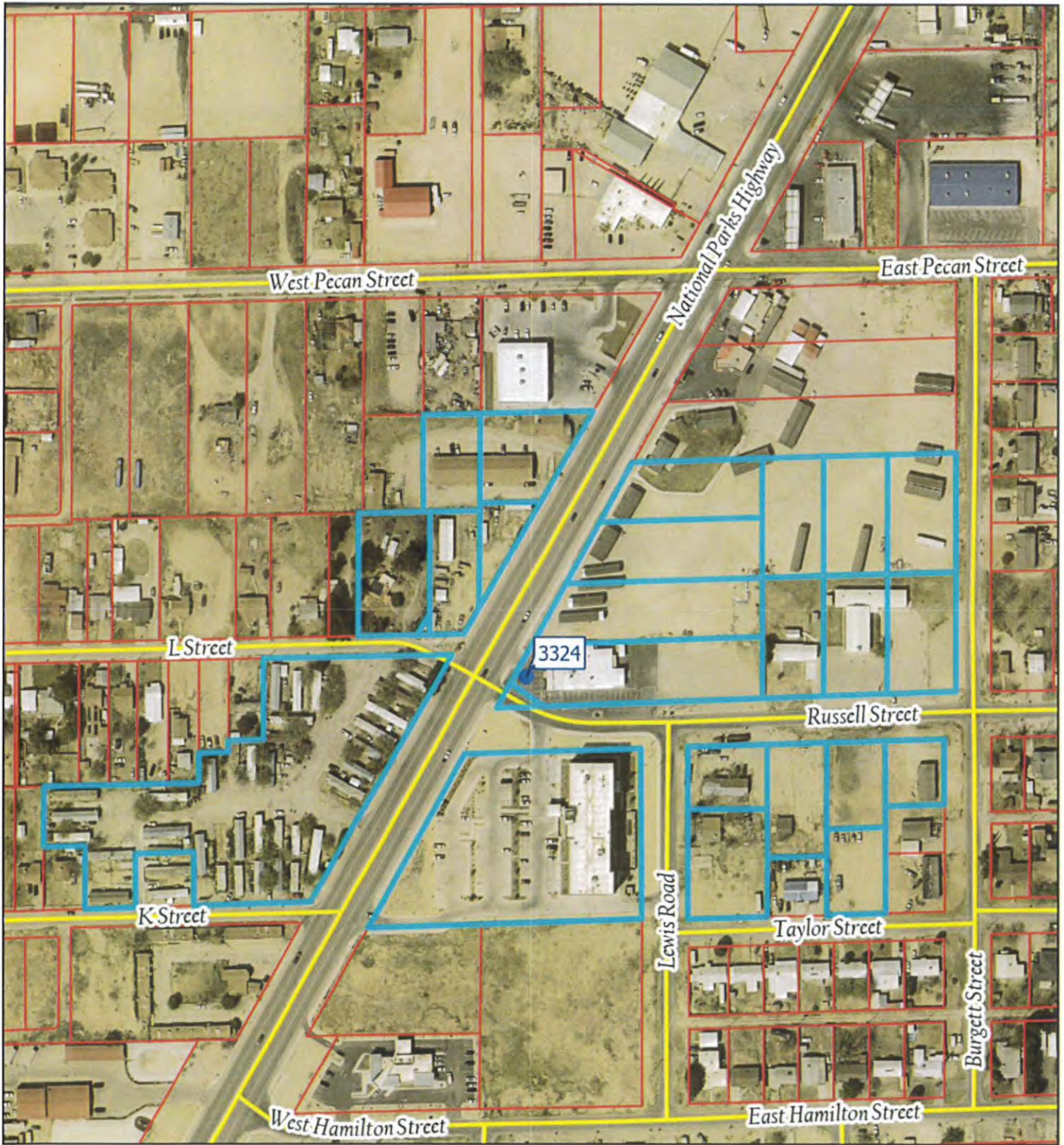
COUNCILORS

Ward 1
LISA A. ANAYA-FLORES
EDWARD T. RODRIGUEZ

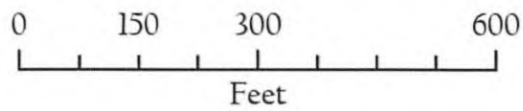
Ward 2
J.J. CHAVEZ
JEFF FORREST

Ward 3
KARLA NIEMEIER
JUDITH WATERS

Ward 4
WESLEY CARTER
MARK WALTERSHEID



- Carlsbad Address
- Parcel
- Roads



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.





Texas/New Mexico

GANNETT

PO Box 631667 Cincinnati, OH 45263-1667

PROOF OF PUBLICATION

City Of Carlsbad
Pobox 1569
Carlsbad NM 88221

STATE OF WISCONSIN, COUNTY OF BROWN

The Carlsbad Current Argus, a newspaper published in the city of Carlsbad, Eddy County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

02/23/2024, 03/10/2024

and that the fees charged are legal.
Sworn to and subscribed before on 03/10/2024

Wendy Austin
Legal Clerk

Kathleen Allen
Notary, State of WI, County of Brown

My commission expires
Publication Cost: \$90.60
Order No: 9896474 # of Copies: 1
Customer No: 1361078
PO #:

THIS IS NOT AN INVOICE!
Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

**NOTICE OF HEARING
REGARDING
APPLICATION FOR A
WINEGROWER
LIQUOR LICENSE**

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The purpose of the hearing will be to accept public comment on whether the City Council should approve or disapprove an application for a Winegrower Liquor License

Applicant: D&J Guadalupe Mountain Brewing, LLC
D/B/A: Guadalupe Mountain Brewing Co
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/s/Wendy Austin
City Administrator.
#5882388, Current Argus,
Feb.28/March 10, 2024

 **Legal Notices**

**NOTICE OF HEARING
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/s/ Wendy Austin
City Administrator
#5882388, Current Argus,
Feb. 28, March 10, 2024

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 04/09/2024

DEPARTMENT: Municipal Services	BY: Kenneth Cass, Director 	DATE: 03/08/2024
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SUBJECT: Authorize the Submission of a New Mexico Historical Records Advisory Board (NMHRAB) Grant

BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

The New Mexico Historical Records Advisory Board (NMHRAB) receives funds from the National Historic Publications and Records Commission (NHPRC) to fund its Historical Records Regrant program for improving preservation of and access to New Mexico’s historical records.

Purpose

The purpose of the program is strengthen and support archival and records management programs in New Mexico. Grants are awarded to applicants who demonstrate need—financial and programmatic—and show commitment to solving problems associated with the preservation of and access to historical records. Projects must address NMHRAB funding priorities.

Types of Projects Funded

Preservation projects that mitigate unstable or deteriorating historical records through conservation treatment or microfilming.

Access projects that promote the availability of historical records. Examples include: processing collections through arrangement and description; indexing; creating electronic catalog records; automating finding aids; digitization; and placing copies in other repositories.

If selected we would receive \$8,500 to advance our preservation and access of historical records. The grant period is September 1, 2024- June 15, 2025

The grant application is due April 19, 2024.

DEPARTMENT RECOMMENDATION: City Council authorize the submission of a National Library of Medicine Health Information Outreach grant application and designate the Mayor or designee as the Authorized Representative to sign the grant application and any related documents.

BOARD/COMMISSION/COMMITTEE ACTION:

P & Z	Lodgers Tax Board	Riverwalk Rec Center Board	APPROVED
Museum Board	San Jose Board	Water Board	DISAPPROVED
Library Board	N. Mesa Board	Beautification Committee	

Reviewed by: Interim City Administrator: /s/Wendy Austin	Date: 04/04/2024
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New Mexico State Historical
Records Advisory Board

New Mexico Historical Records Advisory Board (NMHRAB) Grant Proposal with Instructions.

FY25 Application Form
For Period 1 September 2024 through 15 June 2025
Application Deadline 19 April, 2024

Grants are contingent upon availability of federal funds

Submit one original application with an original signature or digital signature of the entire completed application to:

Nicolasa Chávez
Grants Administrator and Deputy State Historian
1205 Camino Carlos Rey
Santa Fe, New Mexico 87507
nicolasa.chavez@state.nm.us
(505) 476-7998

Incomplete applications be considered ineligible. A complete application includes the following:

- Application form with original signature or digital signatures
- Attachments:
 - Resumes of key project staff
 - Job descriptions for staff yet to be hired (if applicable)
 - Contractor and vendor scopes of work and minimum qualifications (if applicable)
 - Cost proposal or quote from each consultant or vendor (if applicable)
 - Letters of recommendation (optional)
 - Proof of Non-Profit Status, for example, from IRS or Secretary of State (required).

All applicants should familiarize themselves with the GRANT GUIDELINES at

<http://www.srca.nm.gov/regrant-program/>

To calculate linear feet when describing your project, please use the calculator found at this link:

<http://beinecke.library.yale.edu/linear-footage-calculator>.

A list of ALLOWABLE EXPENSES is at

<https://www.archives.gov/nhprc/apply/eligibility.html>

COVER SHEET

Legal Name of Applicant		
Type of organization (i.e. non-profit, municipal government, public university, etc.)*		
Complete Mailing Address		
County	State Senate District	State House District
DUNS No. (May be obtained online at http://fedgov.dnb.com/webform)		
Contact Person for questions regarding this application		
Telephone	Fax	E-mail

Applicant's Signature (Individual authorized to obligate the legal entity) <i>(Must be original signature in blue ink)</i>			
Signature	Date	Print name	Title

*Nonprofit organizations must submit a letter from the IRS and the New Mexico Secretary of State establishing their non-profit status. Failure to submit your IRS letter shall disqualify your application from consideration.

Project Type: (check all that apply)

Preservation
 Access
 Training
 Promotional Programs
 Program Development

Do you have legal custody of the collection with which you propose to work? Yes ___ No ___
(If 'no' the application is ineligible for further consideration.)

Project Title		
Project Director		
Telephone	FAX	e-mail

When preparing all budget-related portions of this application please round to the nearest whole dollar. Do not use cents.

Amount of Request :	\$
Amount of Match (min. 25% of Grant Request):	\$
Total Budget for Project:	\$

**New Mexico Historical Records Advisory Board
(NMHRAB) Grant Proposal**

Applicant (institution or government office): Click here to enter text.

Project Title: Click here to enter text.

Project Description:
Click here to enter text.

Plan of work:
Click here to enter text.

Audience (who will use the product of your project):
Click here to enter text.

Project Goals:
Click here to enter text.

Project evaluation (how will you evaluate the success of your project):
Click here to enter text.

Budget (see Budget Form)
Click here to enter text.

NMHRAB Funds: \$	Applicant Cost Sharing: \$ Enter amount your institution is contributing, no less than 25%.
TOTAL: \$ Add the amount requesting and your institutions contribution.	

Applicant name: Click here to enter your name.	Date: Click to enter date.
Applicant address: Click here to enter address.	Phone: Enter phone number.
Applicant signature: Physical signature.	
Contact person: If different than above.	Phone: Enter phone number.
Contact email: Click here to enter email.	

BUDGET FORM

(round all amounts to nearest dollar)

**NMHRAB
Funds** **Local Funds
(cash or in-kind)** **TOTAL**

1. Salaries & Benefits
(list each position separately)

	N/A	\$	\$
Click here to enter text.	N/A	\$	\$
Click here to enter text.	N/A	\$	\$
Click here to enter text.	N/A	\$	\$
Click here to enter text.	N/A	\$	\$

2. Contractual Services
(list each vendor separately)

Click here to enter text.	\$	\$	\$
Click here to enter text.	\$	\$	\$
Click here to enter text.	\$	\$	\$

3. Travel
(Compute at state rate)

Click here to enter text.	\$	\$	\$
Click here to enter text.	\$	\$	\$
Click here to enter text.	\$	\$	\$

4. Preservation Supplies
(include itemized quote(s))

Click here to enter text.	\$	\$	\$
---------------------------	----	----	----

5. Other

Click here to enter text.	\$	\$	\$
TOTAL	\$	\$	\$

Signature of applicant

Date

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Jeff Patterson

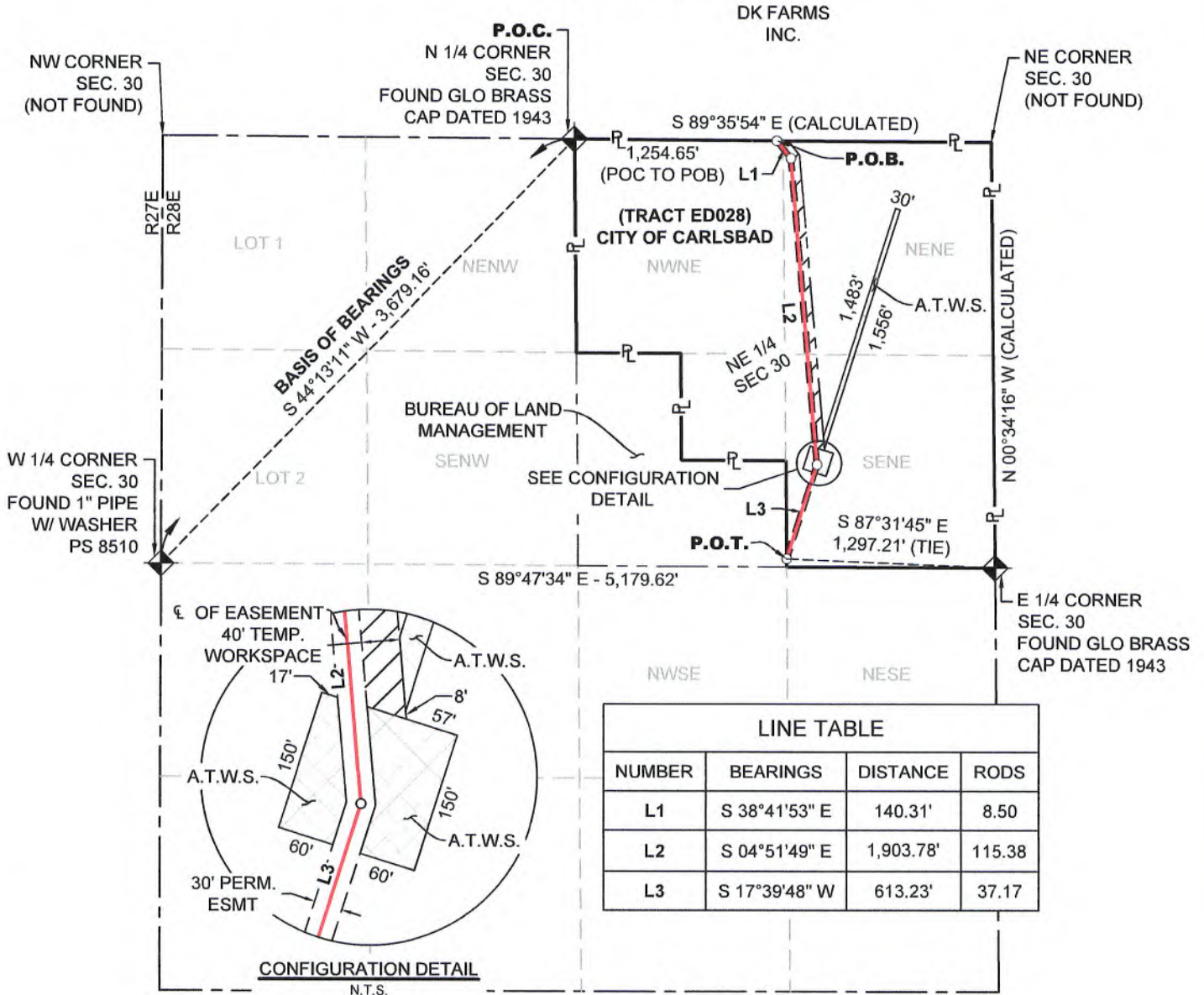
COUNCIL MEETING DATE: 4/9/2024

DEPARTMENT: Planning & Regulation	BY: Jeff Patterson, Director of Planning & Regulation	DATE: 4/1/2024												
SUBJECT: Pipeline Easement and Right-of-Way Agreement between the City of Carlsbad and LM Touchdown, LLC.														
<p>SYNOPSIS, HISTORY and IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): LM Touchdown Energy, LLC., is requesting an easement from the City of Carlsbad to cross City owned property with a proposed pipeline not to exceed 20" in diameter, that will transport oil, gas, petroleum products, or other fluids or substances. The subject City owned property is located east of the Pecos River and north of Smedley Rd. The property lies within the NE ¼ of Section 30 of Township 22 South, Range 28 East (see attached map). The proposed easement will be a total of 30' in width and will run a total of 2,657.32' linear feet (or 161.05 rods) across the City owned property, and will contain a total of approximately 79,719 square feet.</p> <p>Compensation for this easement will be negotiated by the Mayor's office and City Administration, and those offices will consult with industry experts in order to determine the going market rate for a price per rod of easement.</p> <p>The easement agreement and information have been reviewed by City Administration and the City Attorney's office.</p>														
DEPARTMENT RECOMMENDATION: The Planning Department recommends approval to allow the Mayor's office and City Administration to negotiate and come to terms on the proposed easement agreement between the City of Carlsbad, and LM Touchdown, LLC.														
<p>BOARD/COMMISSION/COMMITTEE ACTION:</p> <table border="0"> <tr> <td><input type="checkbox"/> P&Z</td> <td><input type="checkbox"/> Lodgers Tax Board</td> <td><input type="checkbox"/> Cemetery Board</td> <td><input type="checkbox"/> APPROVED</td> </tr> <tr> <td><input type="checkbox"/> Museum Board</td> <td><input type="checkbox"/> San Jose Board</td> <td><input type="checkbox"/> Water Board</td> <td><input type="checkbox"/> DISSAPPROVED</td> </tr> <tr> <td><input type="checkbox"/> Library Board</td> <td><input type="checkbox"/> N. Mesa Board</td> <td><input type="checkbox"/> _____ Committee</td> <td></td> </tr> </table>			<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> _____ Committee	
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<p>Reviewed by Interim City Administrator: <u> /s/Wendy Austin</u> Date: <u> 04/04/2024</u></p>														

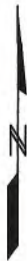
ATTACHMENTS: Easement Agreement, maps.

EXHIBIT "A"

IN A PART OF THE NE 1/4 OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 28 EAST, NEW MEXICO P.M.
EDDY COUNTY, NEW MEXICO



LINE TABLE			
NUMBER	BEARINGS	DISTANCE	RODS
L1	S 38°41'53" E	140.31'	8.50
L2	S 04°51'49" E	1,903.78'	115.38
L3	S 17°39'48" W	613.23'	37.17



Graphic Scale in Feet



THE CENTERLINE LENGTH OF THE EASEMENT SHOWN HEREON THIS CITY OF CARLSBAD PROPERTY IS 2,657.32 FEET (161.05 RODS).

THE TOTAL AREA OF THE PROPOSED EASEMENT SHOWN HEREON IS 79,719 SQUARE FEET OR ±1.83 ACRES.

THE TOTAL AREA OF THE PROPOSED TEMPORARY WORKSPACE SHOWN HEREON IS 77,728 SQUARE FEET OR ±1.78 ACRES.

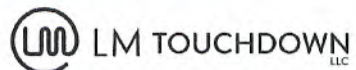
THE TOTAL AREA OF THE PROPOSED ADDITIONAL TEMPORARY WORKSPACE SHOWN HEREON IS 63,339 SQUARE FEET OR ±1.45 ACRES.

NOTES:

- THIS EXHIBIT AND LEGAL DESCRIPTION WERE PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THEREFORE ENCOMPASS ENERGY SERVICES HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS-OF-WAY, VARIANCES AND OR AGREEMENTS OF RECORD. ALL OWNERSHIP INFORMATION WAS PROVIDED BY THE CLIENT.
- THIS EXHIBIT AND LEGAL DESCRIPTION ARE NOT A LAND DIVISION PLAT, OR AN IMPROVEMENT SURVEY PLAT.
- SEE ATTACHED LEGAL DESCRIPTION WHICH BY THIS REFERENCE IS MADE PART HEREOF.
- BEARING AND DISTANCES SHOWN ARE GRID VALUES DERIVED FROM GPS OBSERVATIONS IN U.S. SURVEY FEET.

LEGEND

- P.O.B.** POINT OF BEGINNING
- P.O.C.** POINT OF COMMENCEMENT
- P.O.T.** POINT OF TERMINUS
- ANGLE POINT
- ◆ FOUND MONUMENT
- SECTION LINE
- INTERIOR SECTION LINE
- EASEMENT LIMITS
- PROPERTY LINE
- PROPERTY ADJOINER LINE
- ▨ TEMPORARY WORKSPACE
- ▩ ADDITIONAL TEMPORARY WORKSPACE (A.T.W.S.)



PROPOSED EASEMENT LANDOWNER: CITY OF CARLSBAD

IN A PART OF THE NE 1/4 OF SECTION 30, TOWNSHIP 22 SOUTH,
RANGE 28 EAST, NEW MEXICO P.M., EDDY COUNTY, NEW MEXICO

SCALE: 1" = 1,000' DRAWN BY: JCV 05/09/2023 CHECKED BY: TC 05/11/2023 REV: 1

encompass ENCOMPASS ENERGY SERVICES 2750 S. WADSWORTH BLVD. SUITE C-202 DENVER, CO. 80227 OFFICE NUMBER: 303-955-6080 DWG NO. ARTL-S30-T22S-R28E_2_REV1 SHEET 1 OF 2

PARCEL DESCRIPTION

A STRIP OF LAND ON A PARCEL OF LAND OWNED BY THE CITY OF CARLSBAD AND IS LOCATED IN A PART OF THE NE 1/4 OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 28 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN, COUNTY OF EDDY, STATE OF NEW MEXICO;

A 30 FEET WIDE PERMANENT EASEMENT, BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

CENTERLINE DESCRIPTION

COMMENCING AT THE N 1/4 CORNER OF SAID SECTION 30, (AS MONUMENTED BY A FOUND GLO BRASS CAP DATED 1943), FROM WHICH THE W 1/4 CORNER OF SAID SECTION 30, (AS MONUMENTED BY A FOUND 1" PIPE W/ WASHER PS 8510), BEARS S 44°13'11" W A DISTANCE OF 3,679.16 FEET, FORMING THE **BASIS OF BEARINGS** USED IN THIS DESCRIPTION;

THENCE, ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND, S 89°35'54" E A DISTANCE OF 1,254.65 FEET TO THE **POINT OF BEGINNING**;

THENCE, ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES:

- 1) S 38°41'53" E A DISTANCE OF 140.31 FEET;
- 2) S 04°51'49" E A DISTANCE OF 1,903.78 FEET;
- 3) S 17°39'48" W A DISTANCE OF 613.23 FEET TO A POINT ON A WESTERLY LINE OF SAID PARCEL OF LAND, SAID POINT BEING THE **POINT OF TERMINUS**, FROM WHICH THE E 1/4 CORNER OF SAID SECTION 30, (AS MONUMENTED BY A FOUND GLO BRASS CAP DATED 1943), BEARS S 87°31'45" E A DISTANCE OF 1,297.21 FEET.

THE SIDELINES OF SAID EASEMENT ARE LENGTHENED OR SHORTENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON SAID PARCEL BOUNDARY LINES.

THE TOTAL LENGTH OF THE ABOVE DESCRIBED CENTERLINE IS 2,657.32 FEET (161.05 RODS), CONTAINING AN AREA OF 79,719 SQUARE FEET OR 1.83 ACRES, MORE OR LESS.

TOGETHER WITH

A TEMPORARY WORKSPACE AND ADDITIONAL TEMPORARY WORKSPACES FOR CONSTRUCTION PURPOSES AS SHOWN ON THE ACCOMPANYING EXHIBIT.

SURVEYOR'S STATEMENT:

I, THOMAS G. CARLSON, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY STATE THAT THIS LEGAL DESCRIPTION AND ACCOMPANYING EXHIBIT WERE PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED UNDER MY SUPERVISION, THAT THIS LEGAL DESCRIPTION AND EXHIBIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AND THAT THE FIELD SURVEY ON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THAT THIS LEGAL DESCRIPTION AND EXHIBIT ARE NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.



THOMAS G. CARLSON, NM PS #22896
FOR AND ON BEHALF OF ENCOMPASS ENERGY SERVICES, LLC

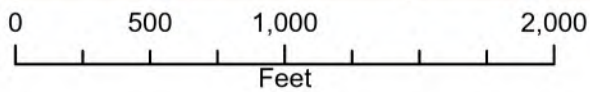
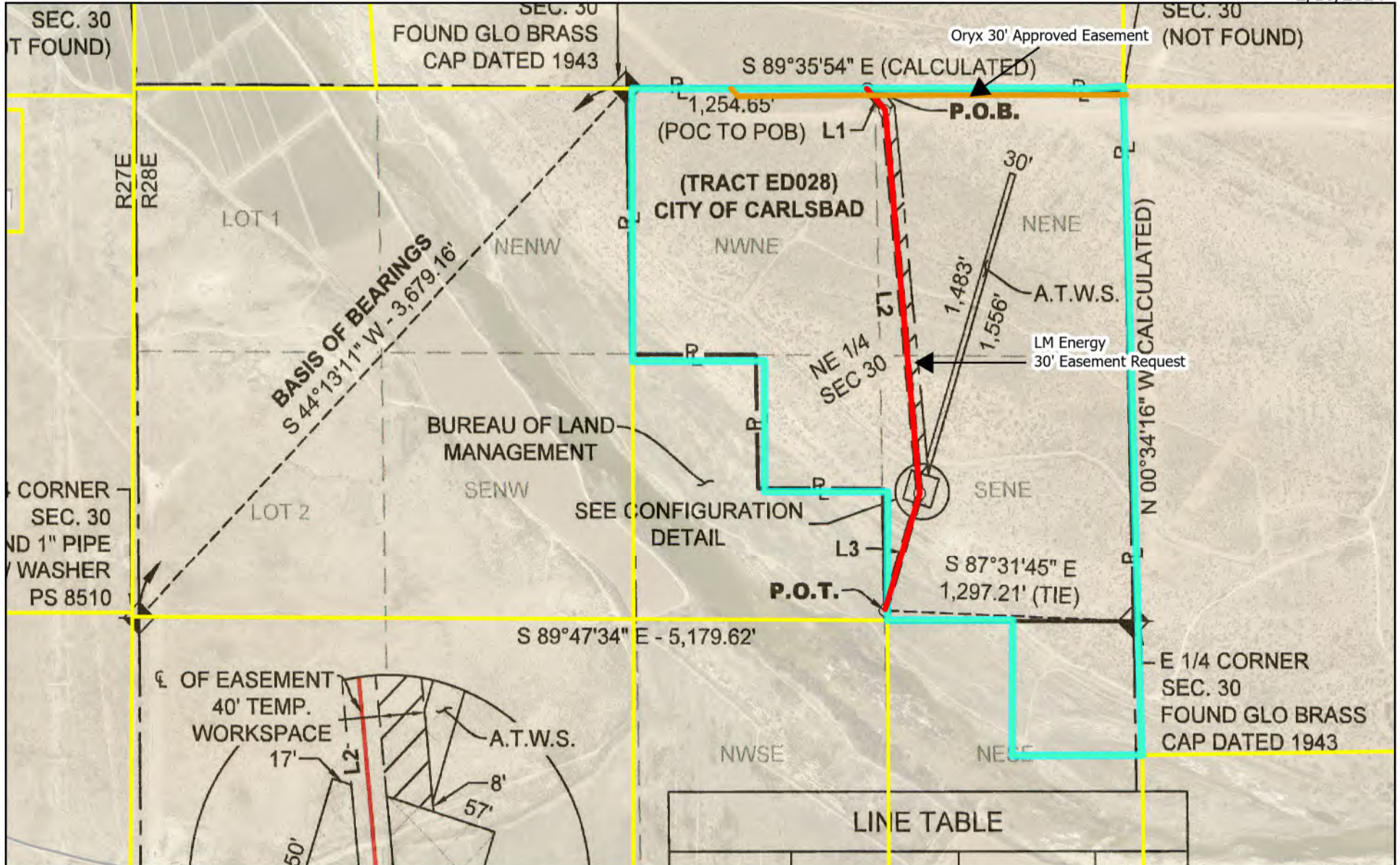
NOTES:

- 1. THIS LEGAL DESCRIPTION AND EXHIBIT WERE PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THEREFORE ENCOMPASS ENERGY SERVICES HAS NOT RESEARCHED OR SHOWN ANY OTHER EASEMENTS, RIGHTS-OF-WAY, VARIANCES AND OR AGREEMENTS OF RECORD. ALL OWNERSHIP INFORMATION WAS PROVIDED BY THE CLIENT.
- 2. THIS LEGAL DESCRIPTION AND EXHIBIT ARE NOT A LAND DIVISION PLAT, OR AN IMPROVEMENT SURVEY PLAT.
- 3. SEE ATTACHED EXHIBIT WHICH BY THIS REFERENCE IS MADE PART HEREOF.
- 4. BEARING AND DISTANCES SHOWN ARE GRID VALUES DERIVED FROM GPS OBSERVATIONS IN U.S. SURVEY FEET.

PROPOSED EASEMENT LANDOWNER: CITY OF CARLSBAD			
IN A PART OF THE NE 1/4 OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 28 EAST, NEW MEXICO P.M., EDDY COUNTY, NEW MEXICO			
SCALE: NONE	DRAWN BY: JCV 05/09/2023	CHECKED BY: TC 05/11/2023	REV: 1
		DWG NO. ARTL-S30-T22S-R28E_2_REV1	SHEET 2 OF 2
ENCOMPASS ENERGY SERVICES 2750 S. WADSWORTH BLVD. SUITE C-202 DENVER, CO. 80227 OFFICE NUMBER: 303-655-6080			

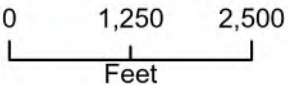
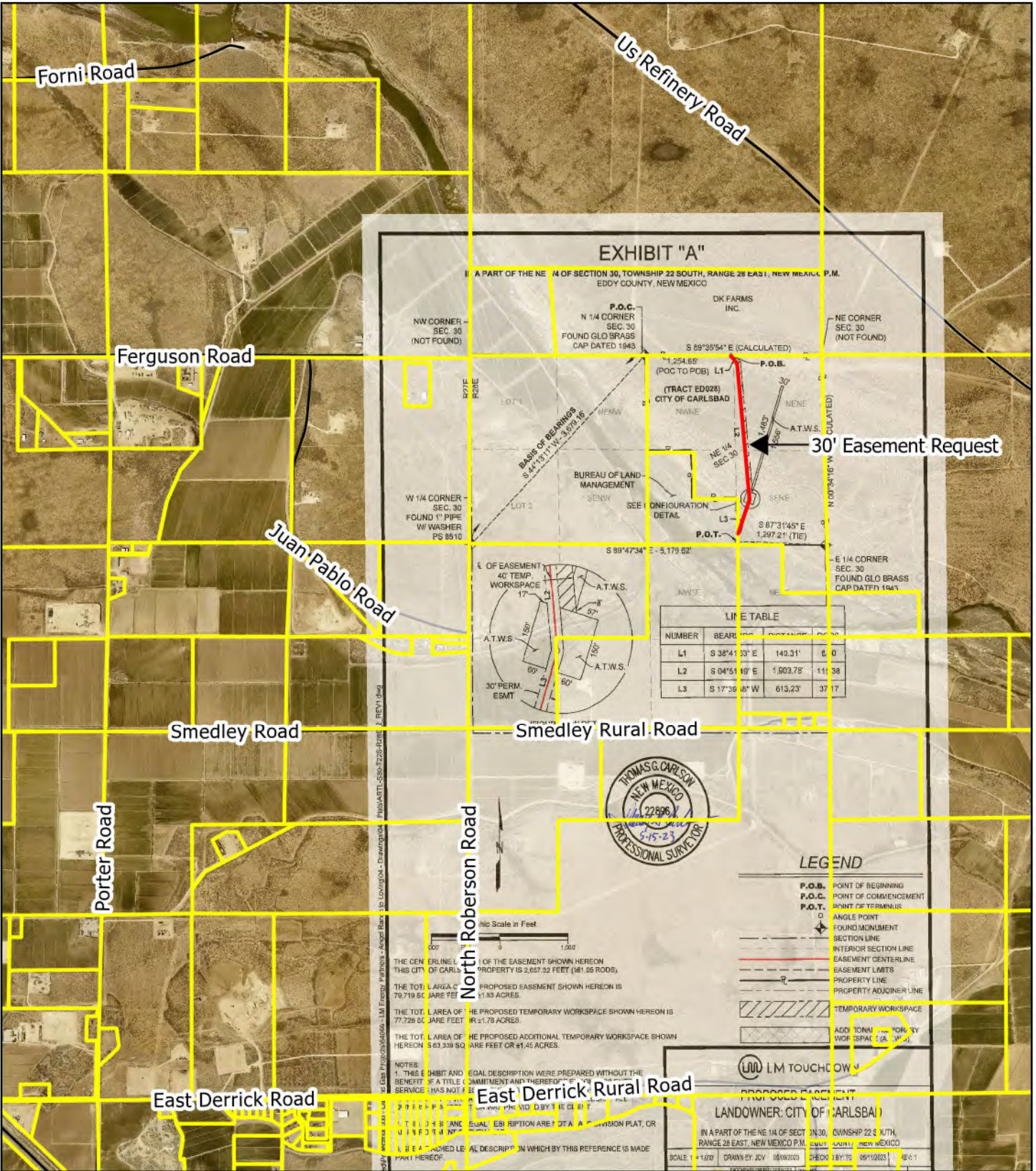
Z:\Shared\Projects\000000 - Oil and Gas Projects\64066 - LM Energy Partners - Angel Ranch to Loving\04 - Drawings\04 - Plats\ARTL-S30-T22S-R28E_2_REV1.dwg

LM Energy Easement Request





LM Touchdown, LLC. Easement Request



Legend

- Parcel
- Roads



NOTICE OF CONFIDENTIALITY RIGHTS. IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PERMANENT EASEMENT AGREEMENT

This Permanent Easement Agreement (the "Agreement"), dated the _____ day of _____, 2024, is between **the City of Carlsbad, NM**, whose address is 101 N. Halagueno St., Carlsbad, NM 88220 ("Grantor", whether one or more), and **LM Touchdown, LLC**, whose address is 2850 N. Harwood St, Suite 1050, Dallas, TX 75201 ("Grantee"). For the consideration of \$_____ and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants, sells and conveys unto Grantee a non-exclusive thirty foot (30') wide permanent easement (the "Easement;") as described and depicted in the attached **Exhibit "A"**, incorporated herein, in order to survey, establish, lay, construct, install, realign, modify, replace, improve, alter, substitute, operate, maintain, access, inspect, patrol, protect, repair, change the route of within the Easement, abandon in place, and remove at will, in whole or in part, one (1) pipeline not to exceed twenty inches (20") in diameter, for the transportation of oil, gas, petroleum products, and other fluids or substances, or any of them and the products thereof which may flow through pipelines, in, over, through, across, under, and along land owned by Grantor generally described in the attached **Exhibit "A"** (the "Lands"). During initial construction of the Pipeline and any subsequent operations that require additional workspace, Grantee shall also have a right to use an additional forty foot (40') wide strip of temporary workspace ("Temporary Workspace") as also described and depicted on **Exhibit "A"** (where appropriate, such Temporary Workspace is included in the term "Easement").

It is further agreed as follows:

1. The consideration paid by Grantee in this Agreement includes compensation for the Easement conveyed by Grantor and any and all damages to Grantor's Lands caused by the initial construction of the Pipeline so long as construction is carried out in a workmanlike manner. However, Grantee will pay Grantor (or if leased to Grantor's tenant) for any damages caused to livestock, fences, and growing crops during the periods of the original construction of the Pipeline.
2. Grantee will, insofar as reasonably practicable, restore the ground disturbed by Grantee's exercise of its rights under this Agreement and will construct and maintain soil conservation devices on the Easement as may be reasonably required to prevent damage to the Lands from soil erosion resulting from operations of Grantee hereunder. Grantee will restore all fences to substantially the same condition as they were prior to the construction of the Pipeline. Grantee shall have the right to install, maintain, and use gates in all fences which now or in the future cross the Easement or which provide access to the

Lands. Grantor shall allow Grantee to install its own lock in any boundary gate if Grantee so chooses, but Grantee must provide Grantor a key or the combination to the lock.

3. Subject to the terms of this paragraph, Grantor may use the surface of the Easement for any purpose, including building roads or making other improvements, and Grantor may grant other easements or build additional utility lines across the Easement (such use, grants, and additional improvements, collectively, the "Improvements") as long as the Improvements (A) do not damage, destroy, injure, or interfere with Grantee's rights under this Agreement and, (B) if applicable, the Improvements: (i) cross the Easement at an angle of not less than forty-five (45) degrees to the Pipeline; (ii) meet all of Grantee's spacing and depth requirements; (iii) leave the Pipeline with sufficient lateral and subjacent support; and (iv) comply with any other reasonable request of Grantee designed to protect its rights under this Agreement. Grantor must submit the design of any Improvements to Grantee at least forty-five (45) days prior to the installation of the Improvements. Notwithstanding the foregoing, Grantor may not under any circumstance conduct any of the following activities on the Easement: (1) construct any temporary or permanent building or site improvements, other than streets and roads; (2) drill or operate any well; (3) remove soil or change the grade or slope of the Easement; (4) impound surface water; (5) plant trees or landscaping (normal and customary crops are not considered landscaping); or (6) place on the Easement or elsewhere any other above- or below-ground obstruction that may interfere with the purposes under this Agreement. If Grantor violates any provision of this paragraph, Grantee will provide Grantor notice of the violation. If Grantor fails to promptly correct the defect, Grantee may immediately correct or eliminate the violation at the sole expense of Grantor. Any use of the Easement by Grantor must comply with all applicable laws and regulations.

4. Grantee has the right to trim or cut down or eliminate trees or shrubbery to the extent, in the reasonable judgment of Grantee, its successors and assigns, as may be necessary to prevent possible interference with the efficiency, safety, or convenient operation of the Pipeline and to remove possible hazard thereto, and the right to remove or prevent the construction of any and all buildings, structures, reservoirs or other obstructions on the Easement which, in the sole judgment of Grantee/may endanger or interfere with the efficiency, safety, or convenient operation of the Pipeline. Grantee agrees that prior to cutting existing fences will be reinforced with H-bracing using pipe of a minimum length of eight feet (8') and a minimum diameter of four inch (4"). Grantee also agrees, that when topsoil exists, to conserve and separate at least the top twenty-four inches (24") for replacement over the easement upon conclusion of construction. Grantee will reasonably remove the topsoil over the area of installation, which topsoil will then be replaced over that same ground upon completion of the installation. Grantee agrees to apply the native mix of grasses used by BLM (or a similar mix) upon reseeded. The completed construction shall be relatively consistent with the surrounding property, without unnecessary elevation changes.

5. Grantor shall retain all the oil, gas, and other minerals in, on and under the Easement; provided, however, that Grantor shall not be permitted to drill or operate equipment for the production or development of minerals on the Easement, but it will be permitted to

extract the oil and other minerals from under the Easement by directional drilling or other means, so long as such activities do not damage, destroy, injure, and/or interfere with Grantee's rights under this Agreement.

6. Upon completion of the Pipeline construction, permanent fencing destroyed or disturbed by Grantee's construction activities shall be installed by Grantee, at its sole expense, along the same alignment and approximate location of Grantor's existing fences. Grantee and its designated contractors, employees, and invitees agree to keep all gates in fences closed when not in actual use so that cattle, horses and/or other livestock located on the Lands cannot stray from the fenced pastures.

7. Grantee will maintain the Pipeline and appurtenances that it installs on the Easement in a good and workmanlike manner. Grantor shall maintain the surface of the Lands only so that its condition does not interfere in any manner with the purposes for which the Easement is conveyed.

8. Grantee shall have the right to assign this Agreement, in whole or in part, to one or more assignees. The provisions of this Agreement, including all benefits and burdens, shall run with the land. The undersigned warrant that they are authorized to execute this Agreement on behalf of the parties to this Agreement and warrant that such undersigned own the Lands.

9. GRANTEE AGREES TO INDEMNIFY AND HOLD HARMLESS GRANTOR FROM ANY AND ALL CLAIMS, CAUSES OF ACTION, LAWSUITS, ENFORCEMENT ACTIONS, PROSECUTIONS, DAMAGES, LIABILITIES, FINES, PENALTIES, FORFEITURES, OR LIENS (HEREINAFTER "CLAIMS") ARISING FROM OR CAUSED BY, IN WHOLE OR IN PART, THE ACTS OR OMISSIONS OF GRANTEE RELATING TO ITS OPERATIONS UNDER THIS AGREEMENT, EVEN IF THE CLAIMS ARISE FROM OR WERE CAUSED BY THE NEGLIGENCE, STRICT LIABILITY OR STATUTORY LIABILITY OF GRANTOR. THIS INDEMNITY AGREEMENT APPLIES TO ALL NATURE OF CLAIMS, INCLUDING, BUT NOT LIMITED TO CLAIMS FOR BODILY INJURY OR DEATH TO ANY PERSON, DAMAGE TO OR DESTRUCTION OF ANY REAL OR PERSONAL PROPERTY, AND POLLUTION OR CONTAMINATION OF THE AIR, LAND OR WATER. THIS INDEMNITY AGREEMENT APPLIES TO APPLICABLE CLAIMS ASSERTED BY ANY PERSON OR ENTITY.

GRANTEE SHALL ALSO INDEMNIFY AND HOLD HARMLESS GRANTOR FROM AND AGAINST ANY LOSS, LIABILITY, COST, EXPENSE OR CLAIM ARISING FROM THE IMPOSITION OR RECORDING OF A LIEN ARISING FROM AND/OR IN CONNECTION WITH OR RESULTING FROM GRANTEE'S OPERATIONS ON THE SUBJECT LANDS, INCLUDING THE INCURRING OF COSTS OF REQUIRED REPAIRS, CLEAN UP, OR DETOXIFICATION AND REMOVAL UNDER ANY

HAZARDOUS MATERIAL LAW WHICH MAY RESULT FROM THE GRANTEE'S ACTS OR OMISSIONS ON GRANTOR'S LANDS. GRANTEE IS NEITHER AN AGENT NOR AN EMPLOYEE OF GRANTOR, AND THE GRANTOR SHALL HAVE NO RESPONSIBILITY TO INSPECT **OR** OVERSEE GRANTEE'S OPERATIONS NOR TO INDEMNIFY OR CORRECT ANY POTENTIALLY HARMFUL, DANGEROUS OR DAMAGING CONDITIONS. GRANTOR DOES NOT WARRANT AND HAS NOT WARRANTED THAT GRANTOR'S PROPERTY IS SUITABLE FOR THE PURPOSES FOR WHICH THIS AGREEMENT IS ACQUIRED BY GRANTEE. IN THE EVENT THAT GRANTEE'S OPERATIONS RESULT IN A VIOLATION OF ANY RULES AND REGULATIONS OF THE NEW MEXICO OIL CONSERVATION DIVISION OR ANY STATE OR FEDERAL REGULATORY AUTHORITY, GRANTEE AGREES TO SATISFY THE REQUIREMENTS OF SUCH AGENCY AND PROVIDE THE GRANTOR WITH A CERTIFICATE FROM SUCH AGENCY REFLECTING THAT THE GRANTEE HAS SATISFIED THE REQUIREMENTS OF SUCH AGENCY.

10. This Agreement may be executed in several counterparts, each of which is considered an original of this Agreement but all of which, taken together, constitutes one and the same Agreement and is binding upon the parties who executed any counterpart. This Agreement covers the entire agreement between the parties, and no representation or statements have been made modifying, adding to, or changing the terms of this Agreement. This Agreement may be amended, modified, or terminated, in whole or in part, only by the written agreement of the parties.

Grantor:

Richard D. Lopez, Mayor

Acknowledgement

STATE OF NEW MEXICO §
COUNTY OF _____ §

This instrument was acknowledged before me this _____ day of _____, 2024, by
Richard D. Lopez.

[SEAL]

Notary Public in and for the State of New Mexico

Printed Name of Notary

My commission Expires: _____

RESOLUTION NO. 2024-14

WHEREAS, the attached lists of materials, equipment, and supplies are considered surplus and nonessential for municipal purposes; and

WHEREAS, it is to the City's advantage to dispose of those things listed; and

WHEREAS, the State regulations allow for such disposal of public property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, NEW MEXICO that the items listed on the attached pages and incorporated herein are declared unusable and obsolete and that said items be disposed of by public sale or as otherwise provided by law.

APPROVED, PASSED, AND ADOPTED this 9 day of April, 2024.

Mayor

ATTEST:

City Clerk

FIRST VERIFICATION (Prior to Actual Disposal)

Each of the below-signed officials of the City of Carlsbad, New Mexico do hereby verify that, upon information and belief, the attached document is a list of tangible personal property belonging to the City of Carlsbad, such property has a value of five thousand dollars (\$5,000.00) or less, such property is worn-out, unusable, or obsolete to the extent that it is no longer economical or safe for continued use by the City of Carlsbad, and each official approves of the disposition of such property as provided by law.

J. Patrick Cass
J. Patrick Cass, Director of Public Works

Ivan M. Abell
Ivan M. Abell, Director of Utilities

Kenneth S. Ahrens
Kenneth S. Ahrens, Fire Chief

Brandon S. Skinner
Brandon S. Skinner, Police Chief

STATE OF NEW MEXICO)
) ss.
COUNTY OF EDDY)

Signed and sworn to me this 24 day of March, 2024, by J. Patrick Cass, Director of Public Works.

My commission expires: 12-28-27

Brittany Aragon
Notary Public



STATE OF NEW MEXICO
NOTARY PUBLIC
BRITTANY ARAGON
COMMISSION # 1126186
EXPIRES: DECEMBER 28, 2027

STATE OF NEW MEXICO)
) ss.
COUNTY OF EDDY)

Signed and sworn to me this 25 day of March, 2024, by Ivan M. Abell, Director of Utilities.

My commission expires: 12-28-27

Brittany Aragon
Notary Public



STATE OF NEW MEXICO
NOTARY PUBLIC
BRITTANY ARAGON
COMMISSION # 1126186
EXPIRES: DECEMBER 28, 2027

STATE OF NEW MEXICO)
) ss.
COUNTY OF EDDY)

Signed and sworn to me this 24 day of March, 2024, by Kenneth S. Ahrens, Fire Chief.

My commission expires: 12-28-27

Brittany Aragon
Notary Public



STATE OF NEW MEXICO
NOTARY PUBLIC
BRITTANY ARAGON
COMMISSION # 1126186
EXPIRES: DECEMBER 28, 2027

STATE OF NEW MEXICO)
) ss.
COUNTY OF EDDY)

Signed and sworn to me this 24 day of March, 2024, by Brandon S. Skinner, Chief of Police.

My commission expires: 12-28-27

Brittany Aragon
Notary Public



STATE OF NEW MEXICO
NOTARY PUBLIC
BRITTANY ARAGON
COMMISSION # 1126186
EXPIRES: DECEMBER 28, 2027

RESOLUTION 2024-15

A RESOLUTION TO ADOPT REVISIONS TO THE CITY PROCUREMENT
POLICY TO ADAPT TO THE CURRENT BUSINESS ENVIRONMENT AND TO STREAMLINE DAILY
PROCUREMENT METHODS

WHEREAS, the City of Carlsbad last revised the Procurement Policy in 2015 and minor changes are occasionally required to align the City Procurement Policy with current business trends, software updates and internal procedures; and

WHEREAS, increases in cost for goods and services as well as the need to expedite small and routine purchases, warrant the increase of the small purchase threshold from \$2,500 to \$5,000; and

WHEREAS, purchases of an amount less than \$5,000 will be considered a small purchase and can be accomplished by the issuance of a direct purchase order to the vendor without requiring three quotes; and

WHEREAS, the need to require three verbal quotes for purchases of more than \$2,500 but less than \$5,000 is not necessary; and

WHEREAS, the City is eliminating the requirement for a Fixed Asset Form for purchases of capital assets, as this is no longer necessary due to recent software updates; and

WHEREAS, the City is required to capitalize asset purchases of \$5,000 or more, the City is eliminating the definition and procedures for accounting for the acquisition of non-depreciable assets of less than \$5,000 from the Procurement Policy; and

WHEREAS, the City is exempt from paying compensating tax, the City is removing the requirement to complete compensating tax forms and remit compensating gross receipts tax.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD THAT:

The City of Carlsbad Procurement Policy, attached hereto, is approved and adopted as of this date.

INTRODUCED, PASSED, ADOPTED AND APPROVED THIS 9 DAY OF APRIL, 2024.

/s/ _____
RICHARD D. LOPEZ, MAYOR

ATTEST:

/s/ _____
City Clerk

GOVERNMENT PROCUREMENT THRESHOLD COMPARISON

PROCUREMENT THRESHOLD	CITY OF CARLSBAD	PROPOSED	STATE OF NEW MEXICO	FEDERAL GOVERNMENT
Small Purchase	<p align="center">\$2,500 or less</p> <p>City may issue a direct PO to vendor for services, construction or items of personal property to a contractor based on best obtainable price.</p> <p>Quotes from multiple vendors not required.</p>	<p align="center">\$5,000 or less</p> <p>City may issue a direct PO to vendor for services, construction or items of personal property to a contractor based on best obtainable price.</p> <p>Quotes from multiple vendors not required.</p>	<p align="center">\$20,000 or less</p> <p>State may issue a direct PO to vendor for services, construction or items of personal property to a contractor based on best obtainable price.</p> <p>Quotes from multiple vendors not required.</p>	<p align="center">\$10,000 (Micro Purchase)</p> <p>Cost must be reasonable.</p> <p>Distributed equally among suppliers.</p>
Quotes Required (A)	<p>over \$2,500 but less than \$5,000</p> <p>Purchases exceeding \$2,500 but less than \$5,000 requires 3 <u>verbal</u> quotes from 3 different vendors.</p>		<p>over \$20,000 but less than \$60,000</p> <p>Purchases exceeding \$20,000 but less than \$60,000 requires 3 <u>written</u> quotes from 3 different vendors.</p>	<p>over \$10,000 less than \$250,000</p> <p>Written quotes from at least 3 different sources required.</p>
Quotes Required (B)	<p>over \$5,000 but less than \$20,000</p> <p>Purchases exceeding \$5,000 but less than \$20,000 requires 3 <u>written</u> quotes from 3 different vendors.</p>	<p>over \$5,000 but less than \$20,000</p> <p>Purchases exceeding \$5,000 but less than \$20,000 requires 3 <u>written</u> quotes from 3 different vendors.</p>	<p>over \$5,000 but less than \$20,000</p> <p><i>No State Policy for this scenario see (A) above</i></p>	
Formal Procurement	<p align="center">over \$20,000</p> <p>Purchases exceeding \$20,000 require a formal Bid or RFP process or purchase under an approved existing cooperative agreement.</p>	<p align="center">over \$20,000</p> <p>Purchases exceeding \$20,000 require a formal Bid or RFP process or purchase under an approved existing cooperative agreement.</p>	<p align="center">over \$60,000</p> <p>Purchases exceeding \$60,000 require a formal Bid or RFP process or purchase under an approved existing cooperative agreement.</p>	<p align="center">\$250,000 or more</p> <p>Bid or RFP required</p>
Professional Services	<p align="center">less than \$60,000</p> <p>Small purchases of professional services may be procured without formal procurement procedures.</p> <p>Quotes from multiple vendors not required.</p> <p align="center">over \$60,000</p> <p>purchases of professional services in excess of \$60,000 requires a formal RFP process or approved existing cooperative agreement</p>	<p align="center">less than \$60,000</p> <p>Small purchases of professional services may be procured without formal procurement procedures.</p> <p>Quotes from multiple vendors not required.</p> <p align="center">over \$60,000</p> <p>purchases of professional services in excess of \$60,000 requires a formal RFP process or approved existing cooperative agreement</p>	<p align="center">less than \$60,000</p> <p>Small purchases of professional services may be procured without formal procurement procedures.</p> <p>Quotes from multiple vendors not required.</p> <p align="center">over \$60,000</p> <p>purchases of professional services in excess of \$60,000 requires a formal RFP process or approved existing cooperative agreement</p>	<p align="center">\$250,000 or more</p> <p>Bid or RFP required</p>

CITY OF CARLSBAD

PROCUREMENT POLICY

1. PURPOSE

1.1 To ensure an efficient and cost-effective method of procurement for the City of Carlsbad, for the acquisition of tangible personal property, services or construction, within regulations adopted by the Governing Body of the City of Carlsbad and the State of New Mexico.

2. PROCUREMENT FROM LOCAL SOURCES

2.1 The City of Carlsbad recognizes the value of revenue derived from local businesses and in accordance with this policy will attempt to procure goods and services locally whenever it is practical, feasible and financially advantageous to the City of Carlsbad, in accordance with the New Mexico State Procurement Code.

3. PURCHASING OFFICE

3.1 Definition; Central Purchasing Office

- a) "Central purchasing office" means that office within a state agency or a local public body responsible for the control of procurement of items of tangible personal property, services or construction. **(NMSA 13-1-37)**

3.2 Definition; Procurement

- a) purchasing, renting, leasing, lease purchasing or otherwise acquiring items of tangible personal property, services or construction; and
- b) all procurement functions, including but not limited to preparation of specifications, solicitation of sources, qualification or disqualification of sources, preparation and award of contract and contract administration. **(NMSA 13-1-74)**

3.3 The Purchasing Office shall be responsible for the control of procurement for the municipality and shall perform all duties required by the State of New Mexico Procurement Code and all other relevant statutes. The Purchasing Office shall also cooperate and coordinate with the State Purchasing Agent and the purchasing offices of other local public bodies and cooperative procurement agencies to maximize the benefits to the municipality from such joint and cooperative efforts.

3.4 The Purchasing Office shall perform all procurement functions for the municipality, except when otherwise expressly authorized by statute or ordinance or regulation of the municipality.

4. CHIEF PROCUREMENT OFFICER

4.1 Definition; Chief Procurement Officer

- a) "Chief procurement officer" means that person within a state agency's or local public body's central purchasing office who is responsible for the control of procurement of items of tangible personal property, services or construction. "Chief procurement officer" includes the state purchasing agent.
(NMSA 13-1-38.1)

4.2 The Purchasing Manager is hereby designated as the Chief Procurement Officer for the City of Carlsbad.

4.3 The Chief Procurement Officer shall be registered and certified by the State of New Mexico Purchasing Division on a biennial basis. **(NMSA 13-1-95.2)**

4.4 Only a Certified Procurement Officer is authorized by the New Mexico State Procurement Code **(NMSA 13-1-97 (c)** to approve purchases for the City of Carlsbad, including but not limited to the following:

- 1) Make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;
- 2) Issue purchase orders and authorize small purchases pursuant to the Procurement Code; and
- 3) Approve procurement pursuant to the Procurement Code.

4.5 Additional Purchasing Department staff may also receive certification upon completion of training and by passing the CPO examination. In the absence of the Chief Procurement Officer, additional CPO's will be authorized to perform the same functions with the same authority as the Purchasing Manager. The Purchasing Manager shall have the authority to delegate responsibilities as necessary to carry out the day to day functions of the City of Carlsbad.

4.6 The Chief Procurement Officer shall supervise the Purchasing Office and is responsible for enforcement of procurement policies and procedures for the City of Carlsbad.

4.7 The Chief Procurement Officer shall establish municipal procurement procedures in accordance with this policy and applicable law and may amend such procedures from time-to-time to ensure compliance with this policy and applicable law and to ensure the efficiency and effectiveness of the municipal procurement practices.

4.8 The Chief Procurement Officer shall annually review procurement policies and procedures to ensure compliance with all applicable state laws.

5. REQUIREMENTS AND RESPONSIBILITIES OF EMPLOYEES WITH PURCHASING AUTHORITY

- 5.1 Each City employee who has purchasing authority and/or privileges or participates in any facet of the procurement process, shall be certified by the City of Carlsbad Purchasing Office prior to participating in the procurement process.
- 5.2 Certification will be achieved by attending City sponsored training sessions and passing an exam including multiple choice and true/false questions covering the basic principles of the State of New Mexico Procurement Code, City Procurement Policy and Governmental Conduct Act.
- 5.3 A grade of 70% or higher will be required to pass the exam. Employees may take the exam multiple times if needed.
- 5.4 City employees found to be in violation of the City Procurement Policy and/or State of New Mexico Procurement Code may be subject to disciplinary action in accordance with the City personnel policy and/or collective bargaining agreement, up to and including discharge. Violation of the Procurement Code may result in suspension of purchasing privileges, revocation of purchasing privileges and possible civil and criminal penalties.
- 5.5 City employees found to be in violation of the City Procurement Policy and/or State of New Mexico Procurement Code will be notified in writing by the Purchasing Manager of the violation. A copy of the violation notice will be sent to the Department Director, Finance Director and City Administrator.
- 5.6 Employees who have 3 violations will receive an automatic suspension of all purchasing privileges until which time the employee can be trained in proper procurement practices.
- 5.7 Employees who have already received a suspension and continue to violate the procurement policies will be subject to permanent revocation of all purchasing privileges in addition to disciplinary action including but not limited to termination of employment.
- 5.8 It is unlawful for any City employee or public officer, as defined in the Procurement Code, and the Governmental Conduct Act (NMSA **10-16-1**) to participate directly or indirectly in the procurement process when the employee knows that the employee or any member of the employee's immediate family has a financial interest in the business seeking or obtaining a contract.
- 5.9 An employee or public officer shall disqualify himself or herself from participating in any official act directly affecting a business in which he or she has a financial interest. No employee or public official shall acquire a financial interest at a time when he or she believes or has reason to believe that it will be directly affected by his or her official act.
- 5.10 Any employee or public official who has a financial interest which he or she believes or has reason to believe may be affected by an official act taken within the scope of his or her employment shall disclose the precise nature and value of

such interest. The disclosures shall be made in writing to the City Clerk at the time the conflict occurs and during the month of January every year thereafter. Additionally, it shall be the duty of an employee to inform his or her department head of such a financial interest at the time he or she acquires it. The information on the disclosures shall be made available by the City Clerk for inspection as permitted by law. The filing of disclosures pursuant to this section is a condition of entering upon and continuing in City employment. **(NMSA 10-6-4.2)**

- 5.11 The City shall not enter into any contract with a business in which an employee has a controlling interest involving services or property of a value in excess of \$1,000, unless the contract is made after public notice and through a competitive process. **(NMSA 10-6-7) (b)**

6. APPLICATION OF THE NEW MEXICO PROCUREMENT CODE

- 6.1 Except as otherwise specified herein, procurement by the City of Carlsbad shall be in accordance with the New Mexico Procurement Code, as may be amended. **(NMSA 13-1-30) (a)**
- 6.2 The purposes of the Procurement Code are to provide for the fair and equitable treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity. **(NMSA 13-1-29) (c)**
- 6.3 Procurement involving the expenditure of federal funds must be conducted in accordance with the mandatory applicable federal laws and regulations. Such laws and regulations will supersede the Procurement Code where the Procurement Code is inconsistent with those federal laws and regulations. **(NMSA 13-1-30) (b)**
- 6.4 All purchases are subject to the New Mexico Procurement Code with exception to the following:
- a) procurement of items of tangible personal property or services by a state agency or a local public body from a state agency, a local public body or external procurement unit except as otherwise provided in Sections 13-1-135 through 13-1-137 NMSA 1978
 - b) printing and duplicating contracts involving materials that are required to be filed in connection with proceedings before administrative agencies or state or federal courts;
 - c) purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services:
 - d) purchases of books and periodicals from publishers or copyright holders thereof;
 - e) travel or shipping by common carrier or by private conveyance or to meals and lodging;

- f) minor purchases not exceeding five thousand dollars (\$5,000) consisting of magazine subscriptions. conference registration fees and other similar purchases where prepayments are required;
- g) the issuance, sale and delivery of public securities pursuant to the applicable authorizing statute, with the exception of bond attorneys and general financial consultants;
- h) contracts for maintenance of grounds and facilities at highway rest stops and other employment opportunities, excluding those intended for the direct care and support of persons with handicaps, entered into by state agencies with private, nonprofit, independent contractors who provide services to persons with handicaps;
- i) contracts and expenditures for services or items of tangible personal property to be paid or compensated by money or other property transferred to New Mexico law enforcement agencies by the United States Department of Justice Drug Enforcement Administration:
- j) contracts for retirement and other benefits pursuant to Sections 22-11-4 7 through 22-11-52 NMSA 1978;
- k) contracts with professional entertainers:
- l) contracts and expenditures for litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators. court reporters. process servers and witness fees. but not including attorney contracts:
- m) contracts for service relating to the design. engineering, financing, construction and acquisition of public improvements undertaken in improvement districts pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 in county improvement districts pursuant to Subsection L of Section 4-55A-12.1 NMSA 1978;
- n) works of art for museums or for display in public buildings or places;
- o) contracts entered into by a local public body with a person. firm, organization, corporation or association or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico for the operation and maintenance of a hospital pursuant to Chapter 3, Article 44 NMSA 1978, lease or operation of a county hospital pursuant to the Hospital Funding Act [4-48B-1 NMSA1978] NMSA1978] or operation and maintenance of a hospital pursuant to the Special Hospital District Act [4-48A-1 NMSA 1978];

7. PURCHASES UNDER \$20,000

7.1 Definition; Purchase Requisition

- a) "Purchase requisition" means the document by which a using agency requests the purchase of a specified service. construction or item of tangible

personal property and may include but is not limited to the technical description of the requested item, delivery schedule, transportation requirements, suggested sources of supply and supporting information.
(NMSA 13-1-78)

7.2 Definition; Purchase Order

- a) "Purchase order" means the document issued only by the central purchasing office that directs a contractor to deliver items of tangible personal property, services or construction. **(NMSA 13-1-77)**
- b) City employees and Department Directors are not authorized to purchase tangible goods or give notice to proceed with a project or authorize performance of a service without prior authorization, in the form of a purchase order, being issued by the Purchasing Department.

7.3 A purchase requisition shall be submitted to the Purchasing Department prior to placing an order for goods or services. The entire requisition must be accurately completed for a purchase order number to be assigned. Purchase requisitions that are incomplete or contain errors will be rejected and returned to the originator for corrections.

7.4 A copy of each purchase order will be provided to the vendor when placing the order.

7.5 All purchase orders will detail payment terms for vendors and a notice that acceptance of the purchase order constitutes acceptance of the payment terms as well as the pricing on the purchase order. Any discrepancy in pricing terms or quantities discovered by the vendor upon receiving the purchase order should be brought to the City's attention before the order is placed in order for corrections to be made prior to invoicing.

7.6 Purchases of less than \$5,000 are considered small purchases. The City may procure services, construction or items of tangible personal property having a value not exceeding \$4,999.99, excluding applicable state and local gross receipts taxes, by issuing a direct purchase order to a contractor based upon the best obtainable price.

7.7 Purchases of \$5,000.00 up to \$19,999.99 must have three written quotes attached to the requisition. Requisitions over \$10,000.00 must be reviewed by the Finance Director, or designee, for budget verification. The Finance Director will then forward the requisition to the City Administrator for approval.

7.8 Requisitions SHALL NOT be artificially divided as to:

- a) Constitute a small purchase (under \$5,000) or
- b) Avoid the Bid/RFP process

7.9 When obtaining quotes, vendors must be supplied with the same specifications for the materials or services required. All vendors contacted must have an equal

opportunity to supply the material or service. Quotation information obtained shall not be discussed with another vendor prior to award. Any addendum to a request for a quotation, written or oral, must be provided to all vendors who were asked to respond.

- 7.10 In the event two vendors have the same quote, written justification shall be provided by the requestor as to how one vendor was chosen. Determinations can be made by local availability, items in stock, vendor delivery time table, shipping charges or a coin toss. A coin toss will be the last resort.

8. PURCHASES OVER \$20,000

- 8.1 Purchases of goods or services of \$20,000.00 and over, which have specific minimum standards to be met, require formal sealed bids for tangible goods or a formal request for proposals (RFP) for services.

Bids are awarded based on lowest responsive bid. RFPs are awarded based on a pre-determined point evaluation system and reviewed and scored by an evaluation committee consisting of a minimum of three individuals that may include city employees, city council members, committee members or other individuals as deemed necessary to provide adequate expertise in a given area.

- 8.2 All bids or requests for proposals (RFP) require City Council approval prior to advertising and release to the public. The Chief Procurement Officer shall prepare an Agenda Briefing Memorandum (ABM) and submit to the City Administrator for presentation to the City Council.

- 8.3 Public notice must be made at least ten (10) calendar days prior to the scheduled bid or RFP opening. If it is determined to be in the best interest of the City, additional time may be allowed. Under no circumstances is the Bid or RFP to be opened prior to the time and date scheduled. **(NMSA 13-1-104 (a))**

- 8.4 All bids or proposals submitted to the City for consideration shall be accompanied by the following required forms:

- a) Campaign Contribution Disclosure Form (Required)
- b) New Mexico Resident Business Certification (If Applicable)
- c) New Mexico Resident Veterans Business Certification (If Applicable)
- d) Department of Workforce Solutions Registration Number (If Applicable)
- e) Subcontractors List (If Applicable)
- f) Bid and/or performance bond (If Applicable)

- 8.5 After bids are opened, the Purchasing Department will forward a copy of the bids received and bid tabulation to the appropriate Departmental Director or designated Agent. The Department Director or Agent will then review the bid documents and submit a letter of recommendation and the bid summary to the Department Director and Chief Procurement Officer.

- 8.6 When conducting a Request for Proposals, the Chief Procurement Officer or other designated CPO shall oversee the RFP selection committee and provide

guidance and instructions to the committee and ensure that the evaluation process and scoring is conducted fairly and accurately. The CPO should under no circumstances be part of the evaluation committee and should remain impartial throughout the selection process.

- 8.7 Upon completion of an RFP evaluation, the Chief Procurement Officer shall tabulate the evaluation scores to determine an awardee based on the highest score and/or other factors as is in the best interest of the City.
- 8.8 The Chief Procurement Officer will prepare an Agenda Briefing Memorandum to request that the City Council award the bid or RFP to the selected contractor.. The ABM will be submitted to the City Administrator for approval and inclusion on the City Council agenda.
- 8.9 The City frequently utilizes the services of professional engineers and architects in the development of bid specifications, bid documents and architectural plans related to construction projects. In this event, the engineer or architect in charge has the authority to act as the agent for the City in the distribution of bid documents and plans, conducting of pre-bid conferences, corresponding with bidders, and the writing of any necessary addenda. The agent shall be responsible for reviewing contractor bids for accuracy as well as review for proper licensing of the prime as well as sub-contractors. The agent may make recommendation to the City of the acceptability of the low bid for award or rejection. The City retains the right of final approval or rejection of any and all bids pending approval of the City Council.
- 8.10 The bid award date shall be the date which the City Council formally approves the recommendation for award at the bi-monthly scheduled City Council meeting.
- 8.11 Once the City Council has approved the award of a bid or RFP, the Chief Procurement Officer or City Agent will post the award notice on the City's website and mail a letter to all participants notifying them of the award.
- 8.12 If no bids are received or if all bids received are rejected and if the invitation for bid was for any tangible personal property, construction or service, then new invitations for bids shall be requested. If upon rebidding the tangible personal property, construction or services, the bids received are unacceptable, or if no bids are secured, the central purchasing office may purchase the tangible personal property, construction or services in the open market at the best obtainable price. **(NMSA 13-1-131)**

9. REQUEST FOR PROPOSALS

- 9.1 Competitive sealed proposals or Requests for Proposals (RFP) require advance planning. The Chief Procurement Officer shall prepare an Agenda Briefing Memorandum (ABM) and submit to the City Administrator for presentation to the City Council.

- 9.2 Public notices must be published at least ten (10) calendar days prior to the deadline for submission. If it is determined to be in the best interest of the City, additional time may be allowed. Under no circumstances are proposals to be opened prior to the scheduled date and time for submission. **(NMSA 13-1-104 (a))**
- 9.3 Prior to the time and date for submission of proposals, only the Chief Procurement Officer or designated agent may communicate with the proposers. The Chief Procurement Officer will field all questions and consult if needed with City staff with technical expertise. Only the Chief Procurement Officer or designated Agent may issue a notice of addendum.
- 9.4 After the deadline for submission, proposals shall be opened by the Purchasing Manager or designee from the Purchasing Department. There will not be a public opening for RFPs. The proposals will be reviewed by an evaluation committee and evaluated taking into consideration the evaluation criteria set forth in the RFP document. The evaluation committee will then forward a copy of the winning proposal and evaluation score sheets to the Chief Procurement Officer. The CPO will review the evaluation sheets for accuracy, compile the scores into an evaluation summary and submit an ABM to the City Administrator for City Council approval.
- 9.5 Offerors submitting proposals may be afforded an opportunity for discussion and revision of proposals. Revisions may be permitted after submissions of proposals and prior to award for the purpose of obtaining best and final offers. Negotiations may be conducted with responsible offerors who submit proposals found to be reasonably likely to be selected for award. This section shall not apply to architects, engineers, landscape architects and surveyors who submit proposals pursuant to Sections 13-1-120 through 13-1-124 NMSA 1978. **(NMSA 13-1-115)** All negotiations will be conducted under the direction of the City Administrator.
- 9.6 The RFP Award date shall be the date which the City Council formally approves the recommendation for award at the bi-monthly scheduled City Council meeting.
- 9.7 The names of all businesses submitting proposals and those selected for award shall be public information. After an award has been made, final ranking and evaluation scores for all proposals shall become public information and will be made available by public records request to the City Clerk's Office.
- 9.8 This section may not apply to architects, engineers, landscape architects and surveyors who submit proposals. See Section 15. Re; Professional Services
- 9.9 If no bids are received or if all bids received are rejected and if the invitation for bid was for any tangible personal property, construction or service, then new invitations for bids shall be requested. If upon rebidding the tangible personal property, construction or services, the bids received are unacceptable, or if no bids are secured, the central purchasing office may purchase the tangible personal property, construction or services in the open market at the best obtainable price. **(NMSA 13-1-131)**

10. BIDDER PREFERENCES

- 10.1 The 5% State of New Mexico Resident Bidders' Preference is applicable and required by the New Mexico State Procurement Code (**NMSA 13-1-21**) on all formal sealed bids and requests for proposals.
- 10.2 A bidder or proposer must have registered with the New Mexico Taxation and Revenue Department and have a Resident Bidder's Preference Number indicated on the Bid or RFP documents to obtain the 5% preference.
- 10.3 A copy of a current Resident Business Certification must be submitted with the bid or proposal to be considered eligible for the preference.
- 10.4 When the City makes a purchase using a formal bid process, the City shall deem a bid submitted by a resident business to be five percent lower than the actual bid amount. (**NMSA 13-1-21**)
- 10.5 When the City makes a purchase using a formal request for proposal process, five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a resident business based on the resident business possessing a valid resident business certificate. (**NMSA 13-1-21**)
- 10.6 The State of New Mexico Procurement Code has a provision to allow for preference to be given to qualified veterans businesses. This preference will be in place for all Bids and Requests for Proposals (RFP) as required by (**NMSA 13-1-21 and 13-1 -22**)
- 10.7 In accordance with Sections 13-1-21 NMSA 1978 resident veterans businesses are to receive the following preferences:
 1. Resident veterans businesses with annual revenues of \$1M or less are to receive a 10% preference discount on their bids and proposals.
 2. Resident veterans businesses with annual revenues of more than \$1M but Less than \$5M are to receive an 8% preference on their bids and proposals.
 3. Resident veterans businesses with annual revenues of more than \$5M are to receive a 7% preference discount on their bids and proposals. This preference is separate from the current in-state preference and is not cumulative with that preference. However, veteran businesses will still receive the in-state preference once the veteran's preference cap is exceeded.
- 10.8 All public solicitations must contain the "Resident Veterans Preference Certification."
- 10.9 Points will only be awarded based on offeror's ability to provide a copy of a valid Resident Business Certificate or Resident Veterans Certificate.

- 10.10 All requests for proposals (RFP) must contain the following statements in the Evaluation and Points Summary:
- a) "I agree to submit a report, or reports, to the State Purchasing Division of the General Services Department declaring under penalty of perjury that during the last calendar year starting January 1 and ending December 31, the following to be true and accurate:
 - 1. "In conjunction with this procurement and the requirements of this business' application for a Resident Veteran Business Preference/Resident Veteran Contractor Preference under Sections 13-1- 21 or 13-1-22 NMSA 1978, when awarded a contract which was on the basis of having such veterans preference. I agree to report to the State Purchasing Division of the General Services Department the awarded amount involved. I will indicate in the report the award amount as a purchase from a public body as the case may be.
 - 2. "I understand that knowingly giving false or misleading information on this report constitutes a crime."
- 10.11 A copy of the statements shall be submitted to the Purchasing Office upon award of a contract.
- 10.12 If applicable, a copy of the Resident Veteran's Preference Certification shall be submitted to the Purchasing Department with the bid or proposal submission.
- 10.13 Procurements involving federal funds are excluded from in-state preference laws.

11. RIGHT TO PROTEST

- 11.1 Any bidder or offeror who is aggrieved in connection with a solicitation or award of a contract may protest to the state purchasing agent or a central purchasing office. The protest shall be submitted in writing within fifteen calendar days after knowledge of the facts or occurrences giving rise to the protest.
(NMSA 13-1-172)
- 11.2 In the event of a timely protest under **Section 145 [13-1-172 NMSA 1978]** of the Procurement Code, the state purchasing agent or a central purchasing office shall not proceed further with the procurement unless the state purchasing agent or a central purchasing office makes a determination that the award of the contract is necessary to protect substantial interests of the state agency or a local public body.
- 11.3 The state purchasing agent, a central purchasing office or a designee of either shall have the authority to take any action reasonably necessary to resolve a protest of an aggrieved bidder or offeror. This authority shall be exercised in accordance with regulations promulgated by the secretary, a local public body or a central purchasing office which has the authority to issue regulations but shall

not include the authority to award money damages or attorneys' fees.
(NMSA 13-1-174)

- 11.4 The state purchasing agent, a central purchasing office or a designee of either shall promptly issue a determination relating to the protest. The determination shall:
- a) state the reasons for the action taken; and
 - b) inform the protestant of the right to judicial review of the determination pursuant to **Section 156 [13-1-183]**
- 11.5 A copy of the determination issued under **Section 148 [13-1-175 NMSA 1978]** of the Procurement Code shall immediately be mailed to the protestant and other bidders or offerors involved in the procurement.

12. PROCUREMENT UNDER EXISTING CONTRACTS

12.1 Definition; Cooperative Procurement

- a) "Cooperative procurement" means procurement conducted by or on behalf of more than one state agency or local public body, or by a state agency or local public body with an external procurement unit. **(NMSA 13-1-44)**

- 12.2 The City of Carlsbad is authorized to participate in, sponsor or administer a cooperative procurement agreement for the procurement of any services, construction or items of tangible personal property with any other state agency, local public body or external procurement unit in accordance with an agreement entered into and approved by the governing authority of each of the state agencies, local public bodies or external procurement units involved.
(NMSA 13-1-135)

Cooperative purchasing agreements include the following:

- a) State of New Mexico Pricing Agreements
- b) In-State Purchasing Cooperative Organizations
- c) National Purchasing Cooperative Organizations
- d) GSA contracts from Federal supply schedules limited to the purchase of IT, security, and law enforcement products and services. **40 U.S.C. § 502 (c)**

13. SOLE SOURCE AND EMERGENCY PURCHASES

- 13.1 The only exceptions to the requirements listed herein are Sole Source Purchases and Emergency Purchases.

13.2 Definition; Sole Source Procurement

a) A contract may be awarded without competitive sealed bids or competitive sealed proposals regardless of the estimated cost when the state purchasing agent or a central purchasing office determines, in writing, that:

1) there is only one source for the required service, construction or item of tangible personal property;

2) the service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; and

3) other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract. **(NMSA 13-1-126)**

13.3 A written determination must be made as to why the item is sole source, and be approved by the Purchasing Manager prior to submitting requisition and must be kept on file in the Purchasing Department. Sole source determinations are valid for a period of one (1) year, but may be renewed for an additional year if the circumstances creating the sole source condition remain unchanged.

13.4 Sole Source purchases must be posted publically on the City of Carlsbad website for a minimum of 30 days. The first 15 days shall serve as a "protest" period in which any vendor wishing to challenge the sole source determination will be afforded the opportunity to do so. If another vendor is able to provide the good or service, the sole source shall be revoked and quotes obtained from any known vendors. **(NMSA 13-1-126.1)**

13.5 EMERGENCY PROCUREMENT

DEFINITION OF EMERGENCY CONDITIONS:

An emergency condition is a situation which creates a threat to public health, welfare, safety or property such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

A. the functioning of government;

B. the preservation or protection of property; or

C. the health or safety of any person. **(NMAC 13-1-127)**

13.6 Emergency procurements shall be limited to those services, construction or items of tangible personal property necessary to meet the emergency. Such procurement shall not include the purchase or lease-purchase of heavy road equipment.

13.7 All emergency purchases must be approved by the Purchasing Manager. At the

discretion of the Purchasing Manager, certain purchasing policies may be bypassed to alleviate the emergency situation. Every effort should be made to purchase competitively if the situation allows.

- 13.8 The Purchasing Office is required to retain documentation of sole source and emergency purchases; therefore, it is imperative that all information pertaining to these types of purchases be submitted to the Purchasing Department in written form from the requesting department. **(NMAC 13-1-128)**
- 13.9 All emergency procurements must be posted publically on the City of Carlsbad website for a minimum of 30 days. The posting of the notice shall not halt the procurement, but only serves as notice that the procurement was made under emergency conditions. **(NMAC 13-1-128)**

14. PROCUREMENT OF NON-PROFESSIONAL SERVICES

14.1 Definition: Non-Professional Services:

"Services" means the furnishing of labor, time or effort by a contractor not involving the delivery of a specific end product other than reports and other materials which are merely incidental to the required performance.

"Services" includes the furnishing of insurance but does not include construction or the services of employees of a state agency or a local public body. **(NMSA 13-1-87)**

- 14.2 Purchases for services of less than \$5,000 shall be considered a small purchase.
- 14.3 Purchases of services of more than \$5,000 but less than \$19,999.99 require 3 valid written quotes.
- 14.4 Purchases for services of \$10,000 or more require budget approval by Finance Director, or designee, and approval of City Administrator.
- 14.5 Purchases for services over \$20,000.00, which are based upon identified criteria and is not awarded based exclusively on price, are subject to competitive sealed proposal (RFP) or must be procured through an existing contract as described in Section 12 or other applicable procurement methods.

15. PROCUREMENT OF PROFESSIONAL SERVICES

15.1 Definition of Professional Services:

"Professional services" means the services of architects, archeologists, engineers, surveyors, landscape architects, medical arts practitioners, scientists, management and systems analysts, certified public accountants, registered public accountants, lawyers, psychologists, planners, researchers, construction managers and other persons or businesses providing similar professional services, which may be designated as such by a determination issued by the State Purchasing Agent or a Central Purchasing Office. **(NMSA 13-1-76)**

- 15.2 Professional Services under \$60,000.00 are considered a small purchase and are exempt from formal procurement. The City may procure professional services in an amount not to exceed \$60,000 by issuing a direct purchase order to the contractor based upon the best obtainable price. **(NMSA 13-1-125)**
- 15.3 Professional Services of more than \$60,000.00 will follow the Request for Proposal process as defined in Section 9, or may be procured utilizing existing cooperative contracts as described in Section 12 or other applicable procurement methods. .
- 15.4 However, nothing in this section shall prevent the City from seeking qualifications based proposals for professional services under \$60,000.00 if in the best interest of the City.

16. CAPITAL ASSET PURCHASES

16.1 Definition of Capital Purchase;

A Capital Purchase, also known as a Depreciable Asset, is any purchase of an item from a capital expenditure line item that adds depreciable value to a new or existing asset.

16.2 Definition of Depreciable Asset:

"Depreciable Assets" are defined as any tangible property with a life expectancy greater than one year and valued over \$5,000.00.

16.3 All fixed assets are required to be placed on City inventory and will be tagged with a City asset tag.

17. APPLICATION OF GROSS RECEIPTS TAX

- 17.1 The City of Carlsbad pays Gross Receipts Tax only as required by law and enforced by the State of New Mexico Taxation and Revenue Department. In general, the City pays taxes on professional services, non-professional services, labor, construction, construction materials and equipment leases including software subscription services.
- 17.2 The City is exempt from gross receipts tax on all tangible personal property with the exception of the items listed in 17.1

18. INSURANCE REQUIREMENTS

- 18.1 Prior to any purchase that includes labor and in accordance with the contract, the vendor must provide a Certificate of Insurance to the City of Carlsbad or have a certificate on file with the City. The Certificate of insurance shall include all General Liability, Auto Liability, and Worker's Compensation coverage as

required. Minimum coverage requirements are General Liability- \$1,050,000; Auto Liability \$1,050,000; and Worker's Compensation- \$1,000,000.

19. PAYMENTS FOR PURCHASES

- a) No warrant, check or other negotiable instrument shall be issued in payment for any purchase of services, construction or items of tangible personal property unless the central purchasing office or the using agency certifies that the services, construction or items of tangible personal property have been received and meet specifications or unless prepayment is permitted under Section 13-1-98 NMSA 1978 by exclusion of the purchase from the Procurement Code [13-1-28 through 13-1-199 NMSA 1978]. **(NMSA 13-1-158)**
- b) Unless otherwise agreed upon by the parties or unless otherwise specified in the invitation for bids, request for proposals or other solicitation, within fifteen days from the date the central purchasing office or using agency receives written notice from the contractor that payment is requested for services or construction completed or items of tangible personal property delivered on site and received, the central purchasing office or using agency shall issue a written certification of complete or partial acceptance or rejection of services, construction or items of tangible personal property. **(NMSA 13-1-158)**
- c) Except as provided in Subsection D of this section, upon certification by the central purchasing office or the using agency that the services, construction or items of tangible personal property have been received and accepted, payment shall be tendered to the contractor within thirty days of the date of certification. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. After the thirtieth day from the date that written certification of acceptance is issued, late payment charges shall be paid on the unpaid balance due on the contract to the contractor at a rate of one and one-half percent per month. For purchases funded by state or federal grants to local public bodies, if the local public body has not received the funds from the federal or state funding agency, payments shall be tendered to the contractor within five working days of receipt of funds from that funding agency. **(NMSA 13-1-158)**
- d) If the central purchasing office or the using agency finds that the services, construction or items of tangible personal property are not acceptable, it shall, within thirty days of the date of receipt of written notice from the contractor the payment is requested for services or construction completed or items of tangible personal property delivered to the site, provide the contractor a letter of exception explaining the defect of objection to the services, construction or delivered tangible personal property along with details of how the contractor may proceed to provide remedial action. **(NMSA 13-1-158)**
- e) Late payment charges that differ from the provisions of Subsection C of this section may be assessed if specifically provided for by contract or pursuant to tariffs approved by the New Mexico public utility commission of the state corporation commission [public regulation commission]. **(NMSA 13-1-158)**

20. PAYMENTS FOR PUBLIC WORKS CONSTRUCTION

a) Except as provided in Subsection B of this section, all construction contracts shall provide that payment for amounts due shall be paid within twenty-one days after the owner receives an undisputed request for payment. Payment by the owner to the contractor may be made by first-class mailing, electronic funds transfer or by hand delivery of the undisputed amount of a pay request based on work completed or service provided under the contract. If the owner fails to pay the contractor within twenty-one days after receipt of an undisputed request for payment, the owner shall pay interest to the contractor beginning on the twenty-second day after payment was due, computed at one and one-half percent of the undisputed amount per month or fraction of a month until the payment is issued. If an owner receives an improperly completed invoice, the owner shall notify the sender of the invoice within seven days of receipt in what way the invoice is improperly completed, and the owner has no further duty to pay on the improperly completed invoice until it is resubmitted as complete.

b) A local public body may make payment within forty-five days after submission of an undisputed request for payment when grant money is a source of funding, if:

(1) the construction contract specifically provides in a clear and conspicuous manner for a payment later than twenty-one days after submission of an undisputed request for payment; and

(2) the following legend or substantially similar language setting forth the specified number of days appears in clear and conspicuous type on each page of the plans, including bid plans and construction plans:

"Notice of Extended Payment Provision

This contract allows the owner to make payment within _____ days after submission of an undisputed request for payment."

c) All construction contracts shall provide that contractors and subcontractors make prompt payment to their subcontractors and suppliers for amounts owed for work performed on the construction project within seven days after receipt of payment from the owner, contractor or subcontractor. If the contractor or subcontractor fails to pay the contractor's or subcontractor's subcontractor and suppliers by first-class mail or hand delivery within seven days of receipt of payment, the contractor or subcontractor shall pay interest to the subcontractors and suppliers beginning on the eighth day after payment was due, computed at one and one-half percent of the undisputed amount per month or fraction of a month until payment is issued. These payment provisions apply to all tiers of contractors, subcontractors and suppliers.

d) A creditor shall not collect, enforce a security interest against, garnish or levy execution on those progress payments or other payments that are owed by an owner, contractor or subcontractor to a person, or the owner's contractor's or subcontractor's surety, who has furnished labor or material pursuant to a construction contract.

e) When making payments, an owner, contractor or subcontractor shall not retain, withhold, hold back or in any other manner not pay amounts owed for work performed.
(NMSA 57-28-5)

21. CRIMES INVOLVING PUBLIC FUNDS

21.1 The following acts involving use of public funds are considered crimes in the State of New Mexico and carry the following criminal penalties:

- a) Demanding or receiving a bribe by public officer or public employee.
- b) Requesting a thing of value in exchange for official action
- c) Taking an official act for the primary purpose of directly enhancing his own financial interest or financial position
- d) Willful violation of financial disclosure requirements
- e) Paying or receiving public money for services not rendered
- f) Making or permitting a false public voucher
- g) Unlawful interest in public contracts where the value received by him is more than \$50
- h) Tampering with public records
- i) Knowingly and willingly:
 - Obtaining personal benefits incompatible with the public interest.
 - Accepting honoraria
 - Using confidential information for private gain
 - Unlawful contracting
 - Unlawful speculation in claims against the state
 - Unlawful interest in public contracts where the value received by him is \$50 or less
 - Refusal to surrender public record
 - Willful neglect of duty
- j) Demanding illegal fees involves asking for anything of value greater than that fixed or allowed by law for the execution or performance of any service

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: 4/9/2024

DEPARTMENT: Grant Programs	BY: Angie Barrios-Testa, Director <i>ABT</i>	DATE: 4/2/2024 <i>4/2/2024</i>
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SUBJECT: Adopt Resolution Authorizing the Submission of a Local Transportation Fund Grant Application under the Southeast Regional Transportation Planning Organization – New Mexico Department of Transportation Call-for-Projects for the Canal Storm Drainage Extension

BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.)

City staff has submitted the Canal Street Storm Drainage Extension Project under the Southeast Regional Transportation Planning Organization (SERTPO) for consideration under the New Mexico Department of Transportation (NMDOT) FY 25 Local/Transportation Project Fund (L/TPF) call for projects. The City has gone through the initial review with NMDOT District 2 and the City's SERTPO representative from the Southeast New Mexico Economic Development District for the proposed project.

NMDOT has approved the City to move forward on the application that is due April 25, 2024, and we expect a letter of support from NMDOT to accompany the application. The City is requesting \$3,705,000 in L/TPF Capital funds, and once approved the City commits the required 5% cash match of \$195,000 for a total project cost of \$3,900,000. The Canal Street Storm Drainage Extension project is currently in the design phase and these funds will allow the City to complete the construction. This project has been on the City's Infrastructure Capital Improvement Plan for several years will be ready for construction once the funds are secured.

City staff will be attending SERTPO meeting for rating and ranking on May 16, 2024. The enclosed resolution approves the submission of the full application, approves participation in the L/TPF program funded under the NMDOT, and commits the 5% cash match.

If successfully awarded, the City will bring the grant agreement before City Council for final approval.

DEPARTMENT RECOMMENDATION: The recommendation is for the City Council to approve the enclosed resolution, to delegate the Mayor signature authority, and to approve the submission of the FY25 T/LPF Grant Application through the SERTPO process by designated staff.

BOARD/COMMISSION/COMMITTEE ACTION:

- | | | | |
|--|---|---|--------------------------------------|
| <input type="checkbox"/> P & Z | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Riverwalk Rec Center Board | <input type="checkbox"/> APPROVED |
| <input type="checkbox"/> Museum Board | <input type="checkbox"/> Alejandro Ruiz Board | <input type="checkbox"/> Water Board | <input type="checkbox"/> DISAPPROVED |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> N. Mesa Board | <input type="checkbox"/> Beautification Committee | |

Reviewed by: Interim

City Administrator: /s/Wendy Austin

Date: 04/04/2024

RESOLUTION 2024- 16

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION
AND PARTICIPATION IN THE TRANSPORTATION PROJECT FUND
PROGRAM ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF
TRANSPORTATION**

WHEREAS, the City of Carlsbad and the New Mexico Department of Transportation are prepared to enter into an agreement under the Transportation Fund Program for a local road project.

WHEREAS, the total cost of the project will be \$3,900,000 to be funded by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 95% or \$3,705,000.00, and
- b. The City of Carlsbad's proportional matching share shall be 5% or \$195,000.00

TOTAL PROJECT COST IS \$3,900,000.00

WHEREAS, if awarded, the City of Carlsbad shall pay all costs, which exceed the total amount of \$3,900,000.

Now therefore, be it resolved in official session that the City of Carlsbad determines, resolves, and orders as follows:

That the project is approved for a grant application submission and hereby is adopted and has a priority standing.

That the agreement is forthcoming upon selection for an award from the New Mexico Department of Transportation and the City of Carlsbad shall incorporate all the agreements, covenants, and understandings between the parties at that time concerning the subject matter hereof, and all such covenants, agreements, and understandings will be merged into the forthcoming written agreement.

NOW therefore, be it resolved by the City of Carlsbad that City staff is authorized to submit an application under the New Mexico Department of Transportation's Transportation Fund Program for a local road project to "construct an extension of the Canal Storm Drainage along Greene Street, Halagueno Street, and Fox St. in Carlsbad, New Mexico". Beginning from the intersection of Canal St. and Greene Street heading west to the intersection of Greene Street and Halagueno Street and then ort to Fox Street and Halagueno St. for a distance of approximately 1,100 linear feet to end of project within the control of the City of Carlsbad in Carlsbad, New Mexico.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 9th day of April 2024.

RICHARD D. LOPEZ, MAYOR

DATE

ATTESTED BY

NADINE MIRELES, CITY CLERK

DATE

Transportation Project Fund Application Checklist

All applications submitted for TPF funding must contain the elements outlined in these guidelines. The following checklist has been prepared to assist in ensuring that the application is complete prior to submission:

- Complete Project Application with the following required documentation
 - Cover Letter including.
 - a brief overview of the project
 - whether the potential grantee intends to apply for hardship (match waiver)
 - timeframe in which the potential grantee is prepared to spend the grant funds
 - verification that funding requested will be enough to complete the phase of work submitted
 - whether the project falls into category (a) or (b): (a)Project is located on or within locally owned right-of-way and the project does not include federal funds; or (b)Project is located within or on NMDOT owned right-of-way or is an NHS route
 - Project Feasibility Form (PFF)
 - Resolution of Sponsorship from their governing body, indicating the availability of the 5% match. Alternatively, the potential grantee may submit an official letter signed by the potential grantee's CFO.
 - chief executive or official with budget authority, indicating the availability of the 5% match
 - Map of project location including mile posts
 - Required if local entity does not own the right of way:** A letter of support or authorization from owners of the project right-of-way. This includes getting a letter from the NMDOT District if the project is partially or fully within NMDOT right-of-way
- Coordinate Application Review with NMDOT District and obtain signatures and documents
 - PFF
 - ROW Letter of Support or Authorization from District Engineer (if applicable)
- Submit Application packet to MPO/RTPO for review and ranking process¹
- MPO/RTPO completes ranking and fills out excel ranking sheet
- MPO/RTPO submits completed application packets and excel ranking sheet to the FTP site for NMDOT

¹ If MPO/RTPO chooses not to rank a letter stating they are deferring ranking must be submitted to NMDOT

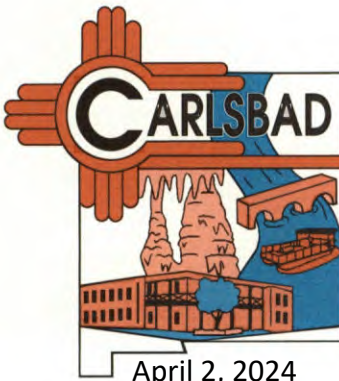


SERTPO

Transportation Project Fund (TPF) Timeline FY25 TPF Call-for Projects

Transportation Project Fund (TPF) Timeline							
NMDOT FY25 Call-for-Projects Released	February 1, 2024						
SERTPO Meeting Date to discuss and approve timeline and process.	January 31, 2024						
<i>SERTPO Bootcamp Training (Roswell Public Library) – Optional</i>	<i>February 16, 2024</i>						
<p>TPF PFF(s) Due to SERTPO respective staff who will coordinate with District 2 for PFF review(s) and signature.</p> <p>SNMEDD – Mary Ann Burr, mburr@snmedd.com EPCOG – Julie Surina, jurina@epcog.org</p> <p>On each PFF, please indicate in upper right-hand corner, whether PFF is for Capital, Design or Maintenance (one PFF per application).</p> <p>Maximum number of applications per category and maximum project cost caps listed below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #d9ead3;">Capital:</td> <td>1 app maximum at \$4 mil cap per application</td> </tr> <tr> <td style="background-color: #d9ead3;">Design:</td> <td>2 apps maximum at \$500k cap per application</td> </tr> <tr> <td style="background-color: #d9ead3;">Maintenance:</td> <td>2 apps maximum at \$2 mil cap per application</td> </tr> </table> <p>Optional attachments would be the remaining portions of the full application (below) and are helpful at PFF review:</p> <ol style="list-style-type: none"> a) Project location map; b) Cover letter addressing all requirements of the Call-for-Projects; c) Resolution (or letter); and d) ROW letter request (if applicable) <i>Approved ROW letter will be over District 2 letterhead</i> 	Capital:	1 app maximum at \$4 mil cap per application	Design:	2 apps maximum at \$500k cap per application	Maintenance:	2 apps maximum at \$2 mil cap per application	<p>March 7, 2024 by 5:00 pm</p>
Capital:	1 app maximum at \$4 mil cap per application						
Design:	2 apps maximum at \$500k cap per application						
Maintenance:	2 apps maximum at \$2 mil cap per application						
<p>District 2 Review</p> <p>Once Review complete, entities should complete final application(s) with any recommended changes.</p>	<p>March 11, 2024 - March 22, 2024</p> <p><i>Two weeks allowed for District 2 to vet and approve PFF(s).</i></p>						
<p>Application packages due to SERTPO staff deadline</p> <p>For each project application, include:</p> <ol style="list-style-type: none"> 1) Cover letter 2) D2-signed PFF 3) Resolution or letter 4) Project location map 5) ROW letter(s) (if applicable); and 6) Self-scored scoring sheet. 	<p>April 25, 2024</p> <p><i>Applicants will have 4 weeks+ from feasibility review to this deadline to complete final application packets and include self-scored scoring sheet.</i></p>						
Meeting packet delivery (to Members)	<p>May 10, 2024</p> <p><i>Every attempt will be made to deliver meeting packets earlier than the above date.</i></p>						
SERTPO Meeting Date for rating applications	May 16, 2024						

SERTPO staff prepare RTIPR list and upload application packets to NMDOT FTP site Note: If all final applications (and any minor changes) submitted, SERTPO will submit earlier.	May 31, 2024
State Transportation Committee Approval	By September 1, 2024



RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

April 2, 2024

Mary Ann Burr
SERTPO Planning Program Manager
1600 SE main St., Suite D
Roswell NM 88203

RE: 2025 TPF Call for Projects – City of Carlsbad Capital Project – Canal Street Storm Drain Extension

Dear Miss Burr:

The City of Carlsbad is requesting TPF Capital funding for the construction of an extension to the Canal Street Storm Drain System under the 2025 TPF Call for Projects. The scope of the project is for the construction of an extension of the storm drain system, related miscellaneous road improvements, and construction management. The project location is Canal St. to Greene St. and along Halagueno Streets in Carlsbad, NM in Eddy County. The termini is as follows; beginning of the project is Canal Street from the intersection of Canal Street and Greene St. heading west to the intersection of Greene Street and Halagueno Street, and then heading north to the intersection of Fox Street and Halagueno St. for a distance of approximately 1,100 linear ft. to the end of the project. The Canal Storm Drain Extension project is located within or on the locally-owned right-of-way and connects to NMDOT District 2 right-of-way at Canal St. and Greene St. The estimated cost of the project is \$3,900,000. The City of Carlsbad is requesting 95% state funding of \$3,705,000 and will make a 5% cash match contribution of \$195,000, and will not be requesting a match waiver. This is from the most recent updated cost estimate reflecting current construction rates.

The project area was selected based on the critical need and readiness of the project. The City previously received legislative funding to complete the design phase which is currently in process. Due to the time it took to coordinate with the utility, the project had been on temporary hold. Now that this is resolved, the City anticipates the fiber network portion of the project to be completed early this summer to allow the City to complete the final plan and design, and obtain all necessary clearances. The City anticipates full design by June/July of 2024, and to begin the bid process within 30 days of funding being available. The project was at 60% design but needs to incorporate the fiber network to be at 100% design. The City recently updated its Engineering Task Order with Bohannon Huston, Inc. The City is confident that this funding will be sufficient to complete the project. The project does not currently include federal funds.

The City of Carlsbad further certifies that the proposed work is on a public highway and is necessary for the public good and convenience and to serve the municipality's public. If you have any questions or require any additional documentation, please feel free to contact me via email at abtesta@cityofcarlsbadnm.com or call me at (575) 234-7904. Thank you for your assistance and consideration of this project for funding. Thank you.

Sincerely,

Angie Barrios-Testa
Director of Grant Programs
City of Carlsbad

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

GENERAL INFORMATION

Preparation Date: 3/2/2024 **Project Title:** Canal Street Storm Drain Extension

Requesting T/LPA: City of Carlsbad **Is there an approved Governing Body resolution for this application**
(Applicant) YES NO PENDING If pending, date expected April 9, 2024

Responsible Charge

Name: Angie Barrios-Testa **Phone:** 575-234-7904

Title: Director of Grant Programs **Email:** abtesta@cityofcarlsbadnm.com

PROJECT DESCRIPTION

Project Type (Check all that apply):
 ROADWAY BRIDGE SAFETY PLANNING/DESIGN OTHER

If you chose "OTHER" please clarify here: Storm Water Drainage

Project Scope: To construct an extension of the Canal Storm Drain System along Greene Street, Halagueno St., and Fox St. in Carlsbad, NM

Is the request to address a bridge on the NMDOT's Local Bridge Priority List for Replacement/Rehabilitation?
 NO YES If yes, please indicate bridge #: _____

Is the request to continue or advance a phase of a previous project?
 NO YES If yes, please indicate funding sources and scope of previous phase below.

Funding Source: Capital Appropriation - CN C2193349 Contract No. D18229/1

Previous Phase Project Scope: to plan, design, construct and extend a storm drain from Canal St. to W. Fox along Greene and S. Halagueno St.

Completion Date of Previous Phase: 9/20/2024

Current Phase being requested: to construct and extend a storm drain

Project Location

Route Number and/or Street Name: From Canal St. to Greene Street and South Halagueno St.

Project Termini:

Beginning Mile point and/or intersection: Canal Street from intersection of Canal St. and Greene St. heading west to intersection

Ending Mile point and/or intersection: of Greene St. and Halagueno St. and then north to Fox St. and Halagueno St.

Total length of proposed project: for a distance of approximately 1,100 linear ft. to end of project.

NOTE: A local government project that is located in full or in part within a department right-of-way or NHS route must be administered in accordance with the "Tribal/Local Public Agency Handbook".

A local government project that ties into, connects or crosses a department right-of-way or an NHS route, or when the project may have an effect on existing improvements within department rights-of-way, requires the approval of the department.

Is the project located in full or in part within a department right-of-way or NHS route?

NO YES If yes, the project must be administered in accordance with the Tribal/Local Public Agency Handbook and follow all requirements and procedures.

Does the project tie into, connect or cross a department right-of-way or an NHS route, or will the project have an effect on existing improvements within a NMDOT right-of-way? "Letter of Approval" from the NMDOT District Engineer?

NO YES If yes, a "Letter of Approval" is required from the NMDOT District Engineer.

Will the project impact known environmental and/or cultural resources?

NO YES If yes, please clarify _____

Is this project tied to any past or future federal funding?

NO YES If yes, please identify _____

NO YES Does the Local Entity intend to apply for Match Waiver Funding?

Project Phases to be included in request (Check all that apply):

PLANNING

PRELIMINARY ENGINEERING/DESIGN

CONSTRUCTION

CONSTRUCTION MANAGEMENT & TESTING

*RIGHT OF WAY ACQUISITION**

* Projects that are for ROW acquisition will need to follow NMDOT ROW acquisition requirements if the entity intends to utilize federal funding in any subsequent project phase.

PROJECT COSTS:

Column A (Not Phased)			Column B (Phased)	
If project is <u>not</u> phased, complete column A only.			Total Phases No. (1, 2, 3, I, II, III, etc.):	
If project is phased, list the amount of funding being currently requested in Column A and complete Column B.			The amount below represents the cost of the entire project and will be greater than Column A.	
Capital - Construction and Construction Management			Total Project Cost:	\$
Percentage Estimates:			Phased projects are usually large and divided into parts or phases. Please clarify how the requested project funding relates to the total overall project. Identify future phases and estimated costs.	
Total Local Match	5%	\$ 195,000		
Total State Share	95%	\$ 3,705,000		
Total cost	100%	\$ 3,900,000		

T/LPA REVIEW:				
By:	<i>Alon Tosta</i>	Date:	3/1/2024	Recommended: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NMDOT DISTRICT REVIEW:				
By:	Louis Matta	Date:		Recommended: <input type="checkbox"/> Yes <input type="checkbox"/> No

NMDOT District comments.

The language for the capital appropriation should match this exactly.
 No Map was included, part of Green St is on US 62/180
 make sure to include the self scoring sheet.
 NMDOT will work on a support letter.

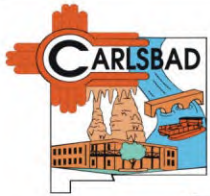
NMDOT Environmental Bureau comments.

Topics to discuss during all PFF meetings:

- Is this project included in any other planning documents? (Comprehensive Plan, ICIP, etc.)
- Does the T/LPA have the minimum match required for the project? If not, does the T/LPA intend to apply for a match waiver?
- Does the T/LPA have a good track record for responsible use/tracking of state funds? Have they met closeout deadlines? Have they successfully completed other state funded projects in a timely manner?
- Has the T/LPA had any issues with design/construction in the past?
- Does the T/LPA have major audit findings that would prevent them from being a responsible fiscal agent?

Additional topics to discuss during PFF meetings ONLY if project is on or intersects with an NMDOT or NHS route:

- Is the Tribal/Local Public Agency (T/LPA) familiar with the NMDOT T/LPA Handbook? Has the person in responsible charge attended one of the T/LPA Handbook trainings?
- Is the project within NMDOT ROW? If so, does the district support the project?
 - Are agreements necessary for maintenance and operations? (Lighting agreements, landscaping, etc.)
- The T/LPA must follow the NMDOT specifications as outlined in the "Specs for Highway and Bridge Construction" unless the appropriate NMDOT Design Center grants permission prior to design for the T/LPA to use other specs.



City of Carlsbad Canal Street Storm Drainage Map



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: April 9, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea DB	DATE: April 2, 2024
SUBJECT: Proposed Resolution requiring the removal of the junk, old appliances, weeds, and a Recreational Vehicle stored in the front setback at 1407 W. Tansill St.		
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 1407 W. Tansill St. is in a residential neighborhood between Maple and Cypress Streets near Alta Vista Middle School. There appears to be an occupied residential structure on the property and some junk, old appliances, overgrown weeds, cane in the alley and a Recreational Vehicle stored/parked in the front of the house. The Eddy County Assessor's Office lists Delbert R. Hawkins as owning or having an interest in the property. The Assessor's records list Delbert R. Hawkins' address as 1407 W. Tansill St, Carlsbad, NM 88220. Code enforcement has been to the property. The structure is occupied. There is junk, old appliances, overgrown weeds, trees, shrubs and cane in the alley and possibly some non-functioning vehicles. There is also a Recreational Vehicle in front of the house that appears to have utilities connected. A Notice of Violation was mailed by code enforcement to the address listed in the Eddy County records via certified mail on 10/24/2023. The letter was returned undeliverable due to animal interference. The property has been inspected by the City Code Enforcement Office and the Fire Marshal. They found that the property remains out of compliance with applicable codes. The Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the property be cleaned up and the vehicles, trash and debris be removed. A resolution has been prepared which, if adopted, would require the property owner to remove all trash, debris and junk from the property within thirty days of the service of the resolution. On March 27, 2024, a certified letter was sent to Delbert R. Hawkins at 1407 W. Tansill St., Carlsbad, NM 88220, the address on the records of Eddy County, which invited him to attend the meeting and speak with Council about the property.		
DEPARTMENT RECOMMENDATION: Adopt the proposed resolution.		
BOARD/COMMISSION/COMMITTEE ACTION: N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		

Reviewed by: Interim
City Administrator /s/Wendy Austin **Date:** 04/04/2024

ATTACHMENT(S):
 Proposed Resolution with Attachments
 Photographs
 Letter to Delbert R. Hawkins, 1407 W. Tansill St., Carlsbad, NM 88220 dated March 27, 2024

RESOLUTION NO. 2024-17

A RESOLUTION FINDING 1407 W. TANSILL STREET TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS

WHEREAS, the records of the Eddy County Assessor's Office show **Delbert R. Hawkins** to be the owners of or to have an interest in the property commonly known as **1407 W. Tansill Street**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Subd: GIBSONS Block: 18 BEG 210' W OF NE COR, W 70', S 165' E 70'
N TO POB Quarter: SE S: 1 T: 22S R: 26E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Marshal; and

WHEREAS, the Code Enforcement Officer and the Fire Marshal found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Marshal has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. **The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**
- A. Begin immediately;**
 - B. Proceed properly and with diligence; and**
 - C. Be completed in a timely manner;**
 - D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.



CITY OF CARLSBAD

Planning, Engineering,
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- <u>23</u> - <u>266</u>	Date of Complaint: 10/11/23	Complaint Taken By: EHarrell
	Complainant Name: Anon	Phone Number:

Complaint Location:
1407 Tansill

Details of Complaint:
Junk and old appliances. Overgrown weeds and cane in alley. RV parked in front of the house

Primary Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	Photographs Taken (attach): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CE District: <input type="checkbox"/> North <input checked="" type="checkbox"/> South
--	--	--

Narrative:
Inspection showed an RV in front of the house and looks to have utilities connected. The back of the house has a old appliances/junk/trash/debris and overgrowth of trees/shrubs and cane in the alley. Possibly even some non running vehicles. A certified letter was sent by Code Enforcement (E. Harrell). It was returned undeliverable due to animal interference. This property has been addressed in the past about old appliances.

Disposition of Case:

No Basis for Complaint: _____

Mailed Notice of Violation/Date: Certified on 10/24/2023

Door Hanger Notice of Violation/Date: _____

Verbal Warning/Date: _____

Referred to Other Agency: _____

Other: _____

	T. Ortiz	3/5/2024
Code Enforcement Signature	Printed Name	Date

Report Information:
Entered into Database on: _____ By: _____ Page ___ of ___

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 10/24/2023
Case: CE- 23 - 266
Address: 1407 W. Tansill St.
Carlsbad, New Mexico 88220

FINAL NOTICE

Name and Address of Property Owner or Occupant*
4-156-127-317-446
HAWKINS, DELBERT R
1407 W TANSILL ST
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 11/3/2023
CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:
Please clean this property from weeds/trash/debris and outside appliances, you are in a Zone R-2, this zone does not allow appliance repair. Put the RV in the back set back. No living in an RV outside of an approved RV park. Remove any non running vehicles. This will be your only notice before being submitted for condemnation or criminal complaint. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:
EXCESS WEEDS - LOTS (CCO 22-64): It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten feet outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

CODE VIOLATED:
VEHICLE STORAGE (CCO 50-06(d)): No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for a longer period of time than 48 hours; except that this section shall not apply with regard to a vehicle in an enclosed building or otherwise screened from public view or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

CODE VIOLATED:
WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

EHarrell EHarrell 10/24/2023
Code Enforcement Signature Printed Name Date

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE.
CERTIFIED MAIL



7017 1070 0000 6425 4260
 7017 1070 0000 6425 4260

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT *CH 5*
 Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Sent To *Delbert Hawkins*
 Street and Apt. No. or PO Box No. *1407 W. Tansill St*
 City, State, ZIP+4® *Carlsbad, NM 88220*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Delbert Hawkins
1407 W. Tansill St
Carlsbad, NM 88220

9590 9402 2177 6193 9100 82

2. Article Number (Transfer from service label)
 7017 1070 0000 6425 4260

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail (over \$500)	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

CERTIFIED MAIL



EL PASO TX 794

25 OCT 2023 PM 1

7017 1070 0000 6425 4260

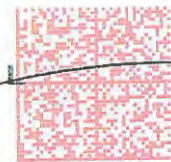
15 CITY OF CARLSBAD
Planning, Engineering, and
Code Enforcement Divisic..
101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

4-156-127-317-446
HAWKINS, DELBERT R
1407 W TANSILL ST
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordin

88220-378807

9327828147536895



US POSTAGE PAID BY DOWES

ZIP 88220 \$008.53⁰
02 4W
0000385620 OCT 25 2023

*Animal
Lates Feeable
11/10-28*

MIXIE 758 DE 1 881
ATTENTION TO SENIOR
UNABLE TO FORWARD
RC: 882205899 *0244-891

Feb 27, 2024 at 1:22:55 PM





03/05/2024 15:53



03/05/2024 15:53



11/29/2023 14:51



11/29/2023 14:53



11/29/2023 14:53



11/29/2023 14:53

City Of Carlsbad

Inter-Office Memorandum

Richard D. Lopez, Mayor

Wendy Austin, City Manager

Date: 1 March 2024

To: Denise Madrid Boyea, City Attorney

From: Joshua Campbell, Fire Marshal

Re: 1407 W. Tansill

On March 1, 2024, I inspected a property located at 1407 W. Tansill. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the vehicles and any trash or debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

Section 110 Unsafe Buildings

110.1 General. If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

Section 304 Combustible Waste Material

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

Section 313 Fueled Equipment

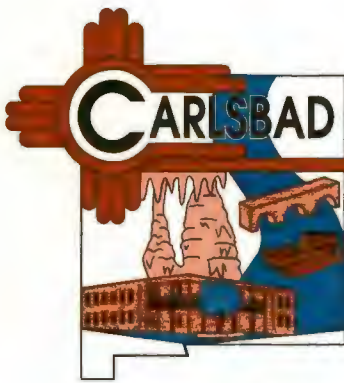
313.1.1 Removal. The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

Section 315 Miscellaneous Combustible Materials Storage

315.3 Outside Storage. Outside storage of combustible materials shall not be located within 10 feet of a property line.

A handwritten signature in black ink, appearing to read "Josh Campbell", written in a cursive style.

Joshua Campbell, Fire Marshal
Carlsbad Fire Department



RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

March 15, 2024

Delbert R. Hawkins
1407 W. Tansill St.
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 1407 W. Tansill St., Carlsbad, NM

Dear Mr. Hawkins:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **1407 W. Tansill St., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Marshal. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, April 9, 2024 at 6:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the rubbish, junk, trash, debris, and weeds from the property including alley, within ten days and complete the work within thirty days. There is an RV parked in the front set back that appears to have utilities connected and inoperable vehicles, which may violate Carlsbad Cod of Ordinances. The property must be left in a clean and safe condition. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,

Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

RESOLUTION NO. 2024- 18

A RESOLUTION FINDING 3508 OLD CAVERN HIGHWAY TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS AND REQUIRING THE REMOVAL OF THE RUINS, RUBBISH, WRECKAGE, DEBRIS, AND/OR WEEDS

WHEREAS, the records of the Eddy County Assessor's Office show **Greg A. Markham** to be the owners of or to have an interest in the property commonly known as **3508 Old Cavern Highway**, Carlsbad, Eddy County, New Mexico, and more particularly described as:

Quarter: NW S: 20 T: 22S R: 27E W 150' OF S 244' TR 6

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer and the City Fire Marshal; and

WHEREAS, the Code Enforcement Officer and the Fire Marshal found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Marshal has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the Property and all ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith;

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owner, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owner, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. **The removal of the ruins, rubbish, wreckage, debris, and weeds shall:**
- A. Begin immediately;**
 - B. Proceed properly and with diligence; and**
 - C. Be completed in a timely manner;**
 - D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.



CITY OF CARLSBAD

Planning, Engineering,
and Regulation Department

114 S. Halagueno, PO Box 1569

Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- <u>21</u> - <u>41</u>	Date of Complaint: 10/29/2021	Complaint Taken By: E. Harrell
	Complainant Name:	Phone Number:

Complaint Location:
3508 Old Cavern Hwy

Details of Complaint:
Open storage of junk/trash/debris

Primary Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Vacant <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	Photographs Taken (attach): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CE District: <input type="checkbox"/> North <input checked="" type="checkbox"/> South
--	--	--

Narrative:
Code Enforcement (E. Harrell) has been in touch with the owner on multiple occasions. The owner would start the process of coming into compliance, but would not complete the job. Junk and trash have accumulated around the house.

Disposition of Case:

No Basis for Complaint: _____

Mailed Notice of Violation/Date: 10/29/21, 11/23/21, 12/10/21, 1/11/22, 3/22/22, 6/27/23

Door Hanger Notice of Violation/Date: _____

Verbal Warning/Date: 10/11/21, 10/29/21, 2/28/22

Referred to Other Agency: _____

Other: _____

	T. Ortiz	3/26/2024
Code Enforcement Signature	Printed Name	Date

Report Information:
Entered into Database on: _____ By: _____ Page ___ of ___

15 CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
Code Enforcement Division
101 N. Hatagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185; Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 6/27/2023
Case: CE- 21 - 41
Address: 3508 Old Cavern Hwy
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant:
4-158-130-010-181
MARKHAM, GREG A
3508 Old Cavern Hwy
CARLSBAD, NM 88220

FINAL NOTICE

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 7/3/2023

CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:
Per our multiple conversations, (The assessor still has 211 N. Walnut for your mailing address). Please clean the junk/trash/debris from this property and maintain it. Remove the trained out dismantled Rv. Remove the junked dismantled non-running vehicle. Clean out the weeds on this property. Do you have utilities at this residence, City requires you, per the IPAC to keep hazardous and water for your utilities. This is your last notice before a condemnation is submitted. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:
WASTE STORAGE (CCO 22-03) Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

EXCESS WEEDS - LOTS (CCO 22-04) It shall be unlawful for any owner having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located far outside the property line where there is no curb, any growth of weeds to a greater height than 12 inches, or any accumulation of weeds.

CODE VIOLATED:
DILAPIDATED BUILDINGS AND STRUCTURES
Sec. 22-53 - Determination: immediate removal
Whenever any building or structure is dilapidated, damaged and dangerous, or any premises shared with such, rubbish, wreckage, debris or wastes, the City Council may, by resolution, require the owner, developer and other persons in possession or control of the premises to take such action as may be necessary to the public comfort, health, peace or safety and secure the removal from the city of the building, structure, ruin, rubbish, wreckage, debris or wastes.

CODE VIOLATED:
VEHICLE STORAGE (CCO 50-06c) No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or abandoned vehicle to remain on such property longer than 48 hours, and no person shall allow any such vehicle on any property within the city for a longer period of time than 48 hours, except that this section shall not apply with regard to a vehicle in an enclosed building or otherwise stored out of public view or a vehicle in an appropriate storage place or repository maintained in a lawful place and manner by the city.

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.carlsbadnm.gov or in the office of the City Clerk.

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*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

[Signature]
Code Enforcement Signature
EHarrell
Printed Name
6/27/2023
Date

06/27/2023 09:08



REMEMBER
CLOSE &
LATCH GATE

NOTICE TO THE PUBLIC
CARLISLE
FBI NOTICE

06/27/2023 09:09

15 CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
Code Enforcement Division
101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 3/22/2022
Case: CE- 21 - 041
Address: 3508 Old Cavern Hwy.
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*
4-158-130-010-181
MARKHAM, GREG A
3508 Old Cavern Hwy.
Carlsbad, NM 88220

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COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 3/27/2022

CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:

Please clean this property from any outside storage/junk/trash/debris. Remove any non running vehicles. No living in RV's outside of an RV approved park. Eddy County Assessors has your Tax listed as 211 N. Walnut, this address is sending letters back stating you do not live there, Please fix this addressing problem. This will be your only notice before a condemnation or Criminal Complaint will be filed. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:

Sec. 56-42 USE REGULATIONS 5 Use of an RV It shall be unlawful for any person to occupy, place, store or use an RV outside of a properly zoned RV park except as follows: (a) Temporary dwelling. One RV may be occupied or used on a residentially zoned lot containing a dwelling provided the RV is used for temporary dwelling purposes only. The RV may be served only by electricity and water and no other utility connection is permitted. Such occupation or use is limited to no more than 14 days in any calendar year for any given lot. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required.

CODE VIOLATED:

VEHICLE STORAGE (CCO 50-06(d)): No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for a longer period of time than 48 hours; except that this section shall not apply with regard to a vehicle in an enclosed building or otherwise screened from public view or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

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*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

Code Enforcement Signature _____ Printed Name EHarrell Date 3/22/2022

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>																
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; font-family: cursive;">GREG MARKHAM 3508 Old CAVERN Hwy CARLSBAD, NM 88220</p>  <p>9590 9402 2177 6193 9117 37</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>																
<p>2. Article Number (<i>Transfer from service label</i>)</p> <p>7017 1070 0000 6425 3522</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input checked="" type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input checked="" type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
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<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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15
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

<p>Certified Mail Fee \$ _____</p> <p>Extra Services & Fees (<i>check box, add fee as appropriate</i>)</p> <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> Return Receipt (hardcopy)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (electronic)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Required</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td style="text-align: right;">\$ _____</td> </tr> </table> <p>Postage \$ _____</p> <p>Total Postage and Fees \$ _____</p>	<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____	<input type="checkbox"/> Return Receipt (electronic)	\$ _____	<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____	<input type="checkbox"/> Adult Signature Required	\$ _____	<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____	<p>Postmark Here</p>
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____										
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____										
<p>Sent To <u>Greg Markham</u></p> <p>Street and Apt. No. or PO Box No. <u>3508 Old CAVERN Hwy</u></p> <p>City, State, ZIP+4® <u>Carlsbad NM 88220</u></p>											

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD A DOTTED LINE

CERTIFIED MAIL®



7017 1070 0000 6425 3522
7017 1070 0000 6425 3522

15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 12/10/2021
Case: CE- 21 - 041
Address: 3508 Old Cavern Hwy.
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*
4-158-130-010-181
MARKHAM, GREG A
3508 Old Cavern Hwy.
CARLSBAD, NM 88220

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 12/20/2021

CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:
Please clean outside storage and bring vehicles up to code or remove them. No storage of tires. Is someone living in the RV? No RV living outside of an approved RV park. Eddy County Assessor has your taxes going to 211 N. Walnut, letters are being sent back to this office, stating you do not live there. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:
WASTE STORAGE (CCO 22-03): Any land, within the city, used for open storage of junk, trash or debris is hereby declared to be a public nuisance, and such use of land is prohibited in the city.

CODE VIOLATED:
VEHICLE STORAGE (CCO 50-06(d)). No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours, and no person shall leave any such vehicle on any property within the city for a longer period of time than 48 hours, except that this section shall not apply with regard to a vehicle in an enclosed building or otherwise screened from public view or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

CODE VIOLATED:
Sec. 56-42 USE REGULATIONS 5. Use of an RV. It shall be unlawful for any person to occupy, place, store or use an RV outside of a properly zoned RV park except as follows: (a) Temporary dwelling. One RV may be occupied or used on a residentially zoned lot containing a dwelling provided the RV is used for temporary dwelling purposes only. The RV may be served only by electricity and water, and no other utility connection is permitted. Such occupation or use is limited to no more than 14 days in any calendar year for any given lot. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required.

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

 EHarrell 12/10/2021
Code Enforcement Signature Printed Name Date

88222115699 69695112288
LUBBOCK TX 794

6951<12288

LUBBOCK TX 794

24 NOV 2021 PM 1 L



U.S. POSTAGE PITNEY BOWES



ZIP 88220 \$ 007.33⁰
02 4W
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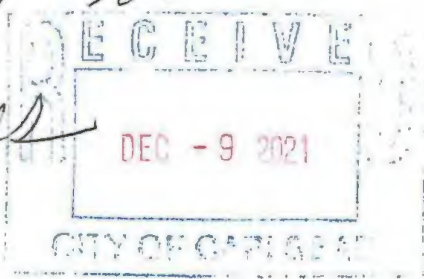
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04/28/00 BY 60322/UC/STP

750 FEB 1 12/00/7T00

Code Enforcement Division
101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

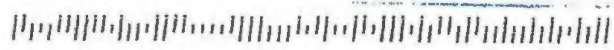
*return to sender
not at this
Address*

4-158-130-010-181
MARKHAM, GREG A
211 N WALNUT
CARLSBAD, NM 88220



The following violation(s) of the Carlsbad Code of Ordin

88220\$4462 C007



15 CITY OF CARLSBAD

Planning, Engineering, and Regulation Department
Code Enforcement Division
101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379



NOTICE OF CODE VIOLATION

Date: 11/23/2021
Case: CE- 21 - 41
Address: 3508 Old Cavern Hwy.
Carlsbad, New Mexico 88220

Name and Address of Property Owner or Occupant*
4-158-130-010-181
MARKHAM, GREG A
211 N WALNUT
CARLSBAD, NM 88220

FINAL NOTICE

1981

The following violation(s) of the Carlsbad Code of Ordinances have been identified as existing on your property. It is your responsibility, if you have any control over the property, to take immediate action to correct these violation(s), even if you do not actually occupy the property or if the property is occupied by others.

COMPLETION OF CORRECTIVE ACTION(S) IS REQUIRED NO LATER THAN: 12/3/2021

CORRECTIVE ACTION TO BE TAKEN (WHAT YOU SHOULD DO) BEFORE DEADLINE:
Thank you for cleaning the outside storage, however the non running vehicles and tires are still on the property and clearly not running. Do you have someone living in the RV? Please make contact with this office. Thank you for your compliance. Any questions call 575-885-1185 ext. 2239

CODE VIOLATED:
Soc. 50-42 USE REGULATIONS 5. Use of an RV. It shall be unlawful for any person to occupy, place, store or use an RV outside of a properly zoned RV park except as follows: (a) Temporary dwelling. One RV may be occupied or used on a residentially zoned lot containing a dwelling provided the RV is used for temporary dwelling purposes only. The RV may be served only by electricity and water, and no other utility connection is permitted. Such occupation or use is limited to no more than 14 days in any calendar year for any given lot. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required. (b) On-site temporary residence. One RV may be used or occupied as a temporary residence at a construction site for which a building permit has been issued and is in effect. In a residential zone, the RV may be used as a temporary residence for no longer than six months. An RV may not be placed in the required front, side or rear yard setback. A temporary use permit is required.

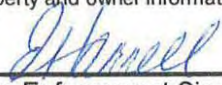
CODE VIOLATED:
VEHICLE STORAGE (CCO 50-06(d)): No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for a longer period of time than 48 hours; except that this section shall not apply with regard to a vehicle in an enclosed building or otherwise screened from public view or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

CODE VIOLATED:

Note: Specific details regarding the applicable ordinance may be obtained from the Code Enforcement Division Office listed above. The complete Code of Ordinances may be found on the City of Carlsbad website: www.cityofcarlsbadnm.com or in the office of the City Clerk.

The required Corrective Active listed above must be initiated immediately and be completed no later than the deadline. Failure to comply with the Ordinances of the City of Carlsbad is subject to specific actions. If the owner of the property cannot be located or refuses compliance, the City may initiate condemnation procedures under Chapter 22, Article II, of the Carlsbad Code of Ordinances to remedy the violation. Under this procedure the City will file a claim of lien against the premises in the amount of the expenditure by the City to correct each violation. Optionally, the City may seek a judgment in Municipal Court for the maximum penalty allowed by ordinance for violation of municipal ordinances. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, a fine of not more than \$500 or imprisonment for not more than 90 days, or both, plus court costs, may be imposed by the court.

*Property and owner information is received from the Eddy County Assessor's Office, Occupant, or City records.

 EHarrell 11/23/2021
Code Enforcement Signature Printed Name Date

7017 1070 0000 6425 3614

U.S. Postal Service™
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OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extrg. Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input checked="" type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.53
Total Postage and Fees	\$ 7.83
Sent To	Greg MARKHAM
Street and Apt. No., or PO Box No.	211 N. Walnut
City, State, ZIP+4®	Parisbad, NM 88220

PS Form 3800, April 2015 PBN 7530-02-000-2047 See Reverse for Instructions

158H



695T<12288
LUBBOCK TX 794

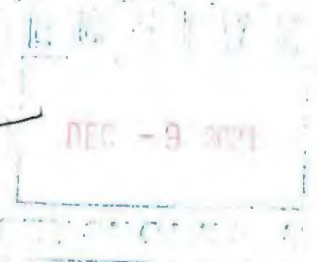
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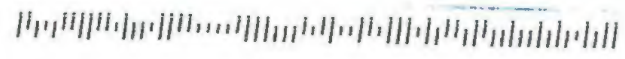
US POSTAGE >> PAY MEY DUWES

ZIP 88220 \$ 007.33⁰
 02 4W
 0000344691 NOV 24 2021

*returns to sender
 not at this
 Address*



0007



Mar 15, 2024 at 3:10:29 PM



Mar 15, 2024 at 3:10:33 PM





06/27/2023 09:07



06/27/2023 09:11



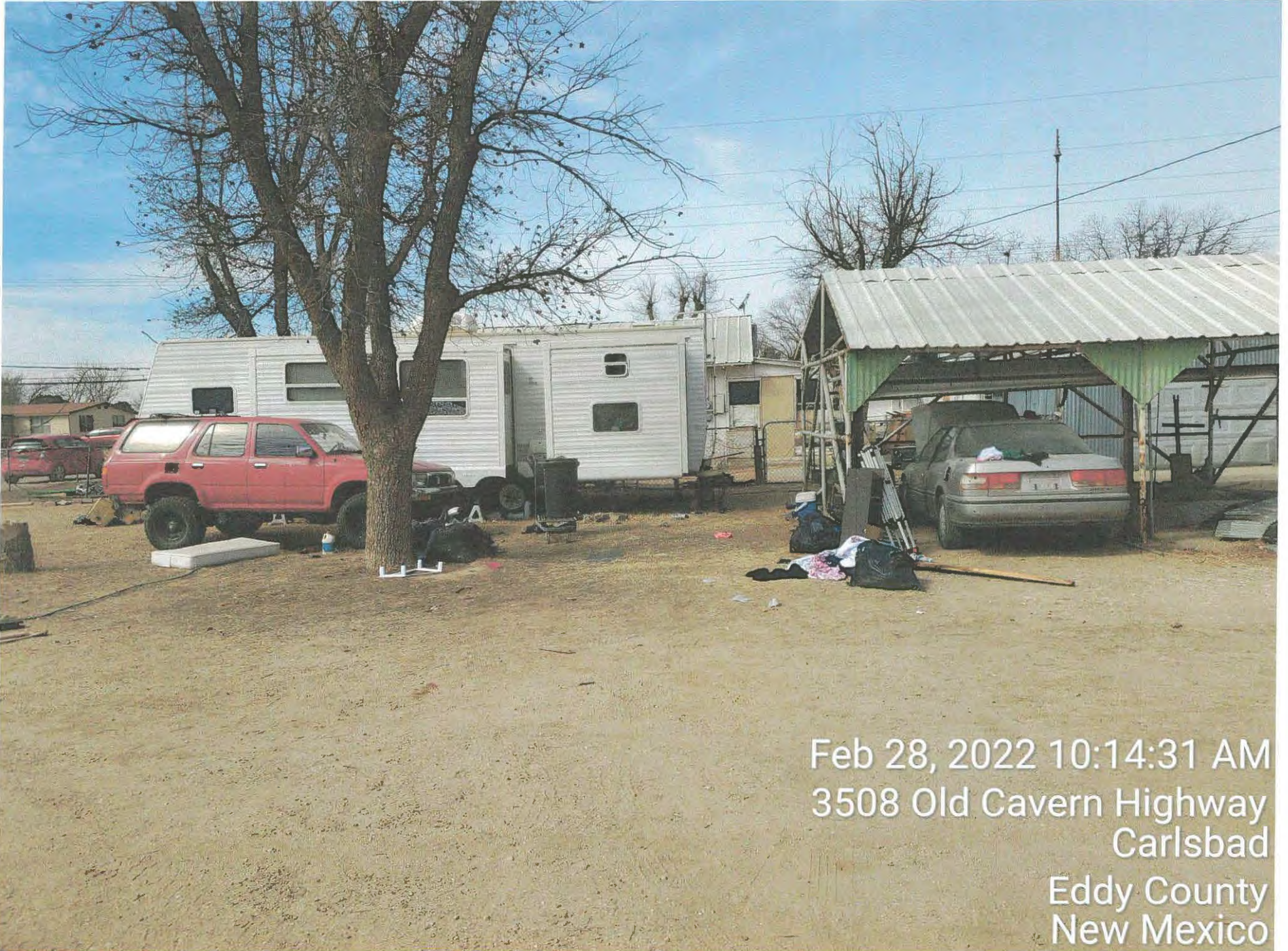
06/27/2023 09:11



Feb 28, 2022 10:14:52 AM
3416 Old Cavern Highway
Carlsbad
Eddy County
New Mexico



Feb 28, 2022 10:14:29 AM
3508 Old Cavern Highway
Carlsbad
Eddy County
New Mexico



Feb 28, 2022 10:14:31 AM
3508 Old Cavern Highway
Carlsbad
Eddy County
New Mexico

City Of Carlsbad

Inter-Office Memorandum

Richard D. Lopez, Mayor

Wendy Austin, City Manager

Date: 1 March 2024

To: Denise Madrid Boyea, City Attorney

From: Joshua Campbell, Fire Marshal

Re: 3508 Old Cavern Highway Carlsbad, NM 88220

On March 1, 2024, I inspected a property located at 3508 Old Cavern Highway Carlsbad, NM 88220. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the property be cleaned up and the vehicles, trash, and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

Section 110 Unsafe Buildings

110.1 General. If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.4 Abatement. The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

Section 304 Combustible Waste Material

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or hazard to the public health, safety, or welfare.

Section 313 Fueled Equipment

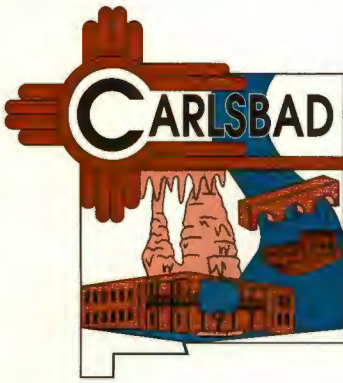
313.1.1 Removal. The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

Section 315 Miscellaneous Combustible Materials Storage

315.3 Outside Storage. Outside storage of combustible materials shall not be located within 10 feet of a property line.

A handwritten signature in black ink, appearing to read 'Joshua Campbell', written in a cursive style.

Joshua Campbell, Fire Marshal
Carlsbad Fire Department



RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

March 27, 2024

Greg A. Markham
211 N. Walnut
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 3508 Old Cavern Highway,
Carlsbad, NM

Dear Mr. Markham:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **3508 Old Cavern Highway, Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office and the Fire Marshal. They have found the property to be in violation of a number of health and safety laws.

Because of the condition of the property, a Resolution has been prepared requiring the cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, April 9, 2024 at 6:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,


Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

Council Meeting Date: April 9, 2024

DEPARTMENT: Legal	BY: Denise Madrid Boyea	DATE: April 2, 2024
SUBJECT: Proposed Resolution requiring the removal of the ruined, fire-damaged or dilapidated buildings or structures, ruins, rubbish, wreckage, and debris at 3408 Lewis Rd.		
BACKGROUND, ANALYSIS AND IMPACT: (Safety and Welfare/Financial/Personnel/Infrastructure/etc.) The property commonly known as 3408 Lewis Rd. is in a residential neighborhood near the intersection of National Parks Hwy. and Russell St. There appears to be a fire-damaged, dilapidated structure on the property and a large amount of junk, trash and debris. The Eddy County Assessor's Office lists Cash for Contracts, Inc. c/o Ana Lilia Bankhead as owning or having an interest in the property. The Assessor's records lists Cash for Contracts, Inc. c/o Ana Lilia Bankhead's address as 107 Taylor Cir. Carlsbad, NM 88220. The property appears to be vacant and unsecured. Code enforcement has been to the property and spoke with the owner multiple times regarding the vacant house and securing the structure. The owners stated they would demolish the property. Trespassers have been on the property. On October 25, 2023, the residence caught fire, resulting in substantial damage. A Notice of Violation was mailed via certified mail to the owner on January 24, 2024, which was returned to sender for insufficient address. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Marshal. They found that the property remains out of compliance with applicable codes. The ruined or dilapidated structures remain on the property and the property is not secured. The Fire Marshal found that the property presents an extreme fire hazard for responding firefighters and emergency personnel and recommends the buildings be demolished, the property be cleaned and the debris be removed. The Building Inspector found that a substantial portion of the house is structurally compromised and is in danger of collapse; it also presents a significant danger to the public and should be condemned. A resolution has been prepared which, if adopted, would require the property owner to remove all ruins, dilapidated structures, rubbish, wreckage, debris and weeds plus a concrete slab South of the structure should be removed from the property within thirty days of the service of the resolution. On March 26, 2024 , a certified letter was sent to Cash for Contracts, Inc. c/o Ana Lilia Bankhead at the address on the records of the County, which invited them to attend the meeting and speak with Council about the property.		
DEPARTMENT RECOMMENDATION: Adopt the proposed resolution.		
BOARD/COMMISSION/COMMITTEE ACTION: N/A		
<input type="checkbox"/> P & Z <input type="checkbox"/> Museum Board <input type="checkbox"/> Library Board	<input type="checkbox"/> Lodgers Tax Board <input type="checkbox"/> San Jose Board <input type="checkbox"/> North Mesa Board	<input type="checkbox"/> Cemetery Board <input type="checkbox"/> Water Board <input type="checkbox"/> _____ Committee
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		

Reviewed by: Interim
City Administrator /s/Wendy Austin **Date:** 04/04/2024

ATTACHMENT(S):
 Proposed Resolution with Attachments
 Photographs
 Letter to **Cash for Contracts, Inc. c/o Ana Lilia Bankhead** dated March 26, 2024

RESOLUTION NO. 2024-19

A RESOLUTION FINDING THE BUILDINGS OR STRUCTURES AT THE PROPERTY COMMONLY KNOWN AS 3408 LEWIS ROAD TO BE RUINED, DAMAGED, AND DILAPIDATED AND FINDING THE PREMISES TO BE COVERED WITH RUINS, RUBBISH, WRECKAGE, WEEDS, DEBRIS; AND REQUIRING THE REMOVAL OF THE BUILDINGS, STRUCTURES, RUINS, RUBBISH, WRECKAGE, WEEDS, AND DEBRIS

WHEREAS, the records of the Eddy County Assessor's Office show **Cash for Contracts, Inc. c/o Ana Lilia Bankhead** to be the owner of or to have an interest in the property commonly known as **3408 Lewis Rd., Carlsbad, Eddy County, New Mexico**, and more particularly described as:

Subd: TERRY PREUIT TRACTS Lot: 6 Quarter: NE S: 19 T: 22S R: 27E

hereinafter referred to as "Property", and

WHEREAS, the Property has been inspected by the Carlsbad Code Enforcement Officer, the Fire Marshal and the Certified Building Official; and

WHEREAS, the Carlsbad Code Enforcement Officer, the Fire Marshal and the Certified Building Official found that the Property has not been adequately maintained; and

WHEREAS, the Property contains a large amount of ruins, rubbish, wreckage, and/or debris, and some weeds; and

WHEREAS, the Property is in an unsafe condition and constitutes a hazard to the surrounding properties, residents and passersby; and

WHEREAS, the Carlsbad Code Enforcement Officer found that the specific violations, under Code of Ordinances of the City of Carlsbad, at the Property include, but are not limited to those listed on the attached Exhibit "A"; and

WHEREAS, the City Fire Marshal has inspected the Property and found that the specific violations at the Property under Fire Code include, but are not limited to those listed on the attached Exhibit "B"; and

WHEREAS, the specific Building Code violations include, but are not limited to those listed on the attached Exhibit "C;" and

WHEREAS, the Property and all structures, ruins, rubbish, wreckage, debris, and weeds are a menace to the public comfort, health, peace, and safety and require removal forthwith.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad, Eddy County, New Mexico that:

1. A copy of this Resolution shall be served on the record owners, as shown by the real estate records of the County Clerk, occupants, or agents in charge of the Property. Such service shall be in person if such a person can be found within the City of Carlsbad, New Mexico after a reasonable search.

2. If a record owners, occupant, or agent in charge of the Property cannot be located within the City of Carlsbad, New Mexico, notice shall be by posting at the Property and by publishing this Resolution one time in a newspaper in general circulation in the City of Carlsbad.

3. Within ten days of either the receipt of a copy of this Resolution or the posting and publishing of this Resolution, the owner, occupant, or agent in charge of the Property shall either:

- A. Commence removing all ruins, rubbish, wreckage, debris, and weeds from the premises; or
- B. File a written objection with the Carlsbad Municipal Clerk at 101 N. Halagueno, Carlsbad, New Mexico 88220 and request a hearing before the City Council.

4. If a written objection is filed as required, the City Council shall proceed as directed by Chapter 22, Article II of the Code of Ordinances, City of Carlsbad, New Mexico.

5. The removal of the structure, ruins, rubbish, wreckage, debris, and weeds shall:

- A. Begin immediately;**
- B. Proceed properly and with diligence; and**
- C. Be completed in a timely manner;**
- D. BUT IN NO CASE SHALL SUCH WORK TAKE LONGER THAN THIRTY (30) DAYS FROM THE DATE THE RESOLUTION WAS SERVED UNLESS THE CARLSBAD CITY COUNCIL CONSENTS IN WRITING TO AN EXTENSION.**

6. Any removal of the structures, ruins, rubbish, wreckage, debris, or weeds shall leave the property from which the materials have been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

7. If the owner, occupant, or agent in charge does not commence the removal of the stated items, and if no written objection is filed as required, or if the removal of the stated items is not completed in a timely manner, the City may remove the structures, ruins, rubbish, wreckage, debris, and/or weeds at the cost and expense of the owner.

8. The reasonable cost of such a removal shall constitute a lien against the structures, ruins, rubbish, wreckage, debris, and/or weeds so removed and against the lot or parcel of land from which it was removed.

9. The City Clerk shall make out, sign, attest, file, and record in the office of the Eddy County Clerk's Office, a claim of lien upon the described premises.

10. The lien shall bear interest at the rate of twelve percent (12%) per annum from the date of filing until paid, together with reasonable attorney's fees for the foreclosure of the same. The lien shall be foreclosed in any manner proved by an applicable state lien foreclosure law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED this 9th day of April, 2024.

RICHARD D. LOPEZ, MAYOR

ATTEST:

NADINE MIRELES, CITY CLERK



CITY OF CARLSBAD

Planning, Engineering,
and Regulation Department

114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

CODE ENFORCEMENT REPORT

Case Number: CE- <u>24</u> - <u>002</u>	Date of Complaint: 9/9/23	Complaint Taken By: E. Harrell
	Complainant Name:	Phone Number:

Complaint Location:
3408 Lewis Rd

Details of Complaint:
Junk/trash/debris at the property
House fire October 2023

Primary Structure: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Occupied <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Secured <input checked="" type="checkbox"/> Unsecured <input type="checkbox"/> No structure on property	Photographs Taken (attach): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	CE District: <input type="checkbox"/> North <input checked="" type="checkbox"/> South
---	--	--

Narrative:
Code Enforcement (E. Harrell) spoke with the owner multiple times regarding the vacant house and securing the structure. The owners stated they planned to demolish the property. Trespassers had been in and out of the house on several occasions. On October 25, 2023 the residence caught fire. Code Enforcement recommends the removal of the burnt structure; removal of all ruin, rubbish, wreckage and debris; and removal of the concrete slab south of the structure.

Disposition of Case:

No Basis for Complaint: _____

Mailed Notice of Violation/Date: 1/24/2024 certified

Door Hanger Notice of Violation/Date: _____

Verbal Warning/Date: 9/9/2022

Referred to Other Agency: _____

Other: _____

	T. Ortiz	3/25/2024
Code Enforcement Signature	Printed Name	Date

Report Information:
Entered into Database on: _____ By: _____ Page ___ of ___

3408 Lewis Rd

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Ana Lilia Bankhead
107 Taylor Circle
Carlsbad, NM 88220*



9590 9402 2177 6193 9101 67

2. Article Number (Transfer from service label)

7017 1070 0000 6425 4284

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery	

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL®



7017 1070 0000 6425 4284
7017 1070 0000 6425 4284

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark Here

Postage \$ _____

Total Postage and Fees \$ _____

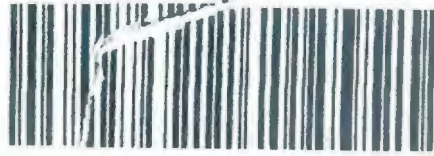
Sent To *Ana Lilia Bankhead*

Street and Apt. No., or PO Box No. *107 Taylor Circle*

City, State, ZIP+4® *Carlsbad, NM 88220*

PS Form 3800, April 2015 PSN 7550-02-000-9047 See Reverse for Instructions

CERTIFIED MAIL



15 CITY OF CARLSBAD

Planning, Engineering, &
Code Enforcement Division

101 N. Halagueno St., PO Box 1569
Carlsbad, New Mexico 88220

Phone (575) 885-1185, Fax (575) 628-8379

7017 1070 0000 6425 4284



US POSTAGE



IP 88220 \$ 008.69⁰

000326520 JAN 26 2024

4-157-130-446-151
CASH FOR CONTRACTS INC
BANKHEAD, ANA LILIA K/S
107 TAYLOR CIR
CARLSBAD, NM 88220

-R-T-S- 882204003-1N

03/05/24

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

The following violation(s) of the Carlsbad Code of Ordinances



8



03/15/2024 15:49



03/15/2024 15:52



03/15/2024 15:51



03/15/2024 15:50



03/15/2024 15:50



03/15/2024 15:51



03/15/2024 15:51

City Of Carlsbad

Inter-Office Memorandum

Richard D. Lopez, Mayor

Wendy Austin, City Manager

Date:

To: Denise Madrid Boyea, City Attorney

From: Joshua Campbell, Fire Marshal

Re: 3408 Lewis Rd. Carlsbad, NM

On 03/25/2024, I inspected a property located at 3408 Lewis Rd. Carlsbad, NM 88220. This property presents an **extreme** fire hazard for responding Firefighters and emergency personnel. I recommend that the buildings be secured or demolished, the property be cleaned up, and the weeds and debris be removed under the following fire codes.

The International Fire Code, 2015 edition states:

Section 110 Unsafe Buildings

110.1 General. If during the inspection of a building or structure or any building system, in whole or part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe Conditions. Structures or existing equipment that are or here after become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by Section 311 shall be unsafe.

110.1.2 Structural Hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire official shall immediately notify the building official in accordance with Section 110.1

110.4 Abatement. The owner, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions by repair, rehabilitation, demolition, or other approved corrective action.

Section 304 Combustible Waste Material

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle, or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

Section 311 Vacant Premises

311.1 General. Temporarily unoccupied buildings, structures, premises, or portions thereof including tenant spaces shall be safeguarded and maintained in accordance with this section.

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known address, which persistently or repeatedly become unprotected or unsecure, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered, declared unsafe and abated by demolition or rehabilitation.

311.2 Safeguarding vacant premises. Temporarily unoccupied buildings, structures, premises, or portions thereof shall be secured and protected in accordance with this section.

311.2.2 Security. Exterior openings and interior openings accessible to other tenants or authorized persons shall be boarded, locked, blocked or otherwise protect to prevent entry by unauthorized individuals. The Fire Code Official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

311.3 Removal of combustibles. Persons owning, or in charge of a vacant building or portion thereof, shall remove therefrom all accumulations of combustible material, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows, and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

A handwritten signature in black ink, appearing to read "Josh Campbell", written in a cursive style.

Joshua Campbell, Fire Marshal Carlsbad Fire Department

CITY OF CARLSBAD
INTER-OFFICE MEMORANDUM

Richard D. Lopez, Mayor

Wendy D. Austin, City Administrator

TO: Denise Madrid Boyea, City Attorney
FROM: Nick Sullivan, Building Inspector
DATE: 3-25-2024
SUBJECT: 3408 Lewis Rd, Condemnation

On March 25, 2024, I performed an inspection on a property located at 3408 Lewis Rd, Carlsbad NM. The house was involved in a serious fire event that has left the house in ruin. In its current state it presents serious risk to the general public. A substantial portion of the house is structurally compromised and is in danger of collapse. This structure presents a significant danger to the public and should be condemned under the following sections of the International Property Maintenance Code.

The International Property and Maintenance Code- 2009 edition states:

Section 108- Unsafe Structures and Equipment

108.1.1- Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.3- Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.5- Dangerous Structure or Premises- For the purpose of this code, any structure or premises that have any or all of the conditions or defects described below shall be considered dangerous: Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Section 304- Exterior Structure

304.1- General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.7- Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 305- Interior Structure

305.1- General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. Section

505 Water System

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code (and/or Uniform Plumbing Code).

Section 602- Heating Facilities

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 604- Electrical Facilities

604.2- Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Nick Sullivan, City Building Inspector



City Of Carlsbad
March 25, 2024







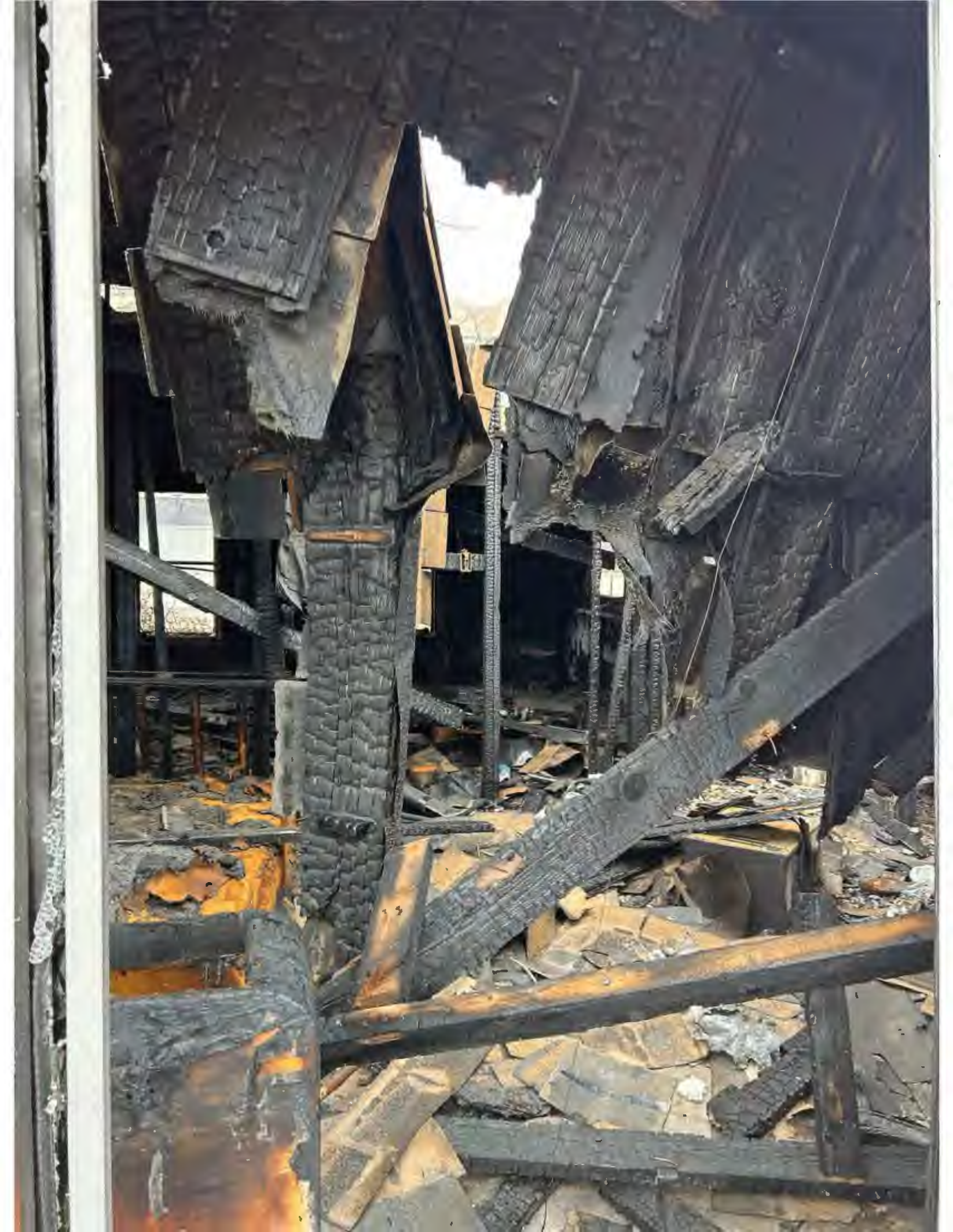








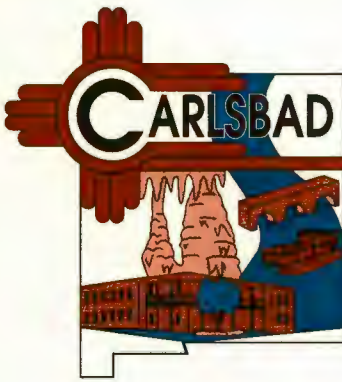












RICK LOPEZ
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

March 26, 2024

Cash for Contracts, Inc.
c/o Ana Lilia Bankhead
107 Taylor Cir.
Carlsbad, NM 88220

RE: Dangerous Premises at the property known as 3408 Lewis Rd., Carlsbad, NM

Dear Ms. Bankhead:

According to the records of the Eddy County Assessor's Office, you are the owner or have an interest in the property commonly known as **3408 Lewis Rd., Carlsbad, NM**. The property has been inspected by the City Code Enforcement Office, the Building Inspector and the Fire Marshal. They have found the property to be in violation of a number of health, safety, and building laws.

Because of the condition of the property, a Resolution has been prepared requiring the removal of the structure and cleaning of the property. The Carlsbad City Council will consider passing that Resolution at its meeting on **Tuesday, April 9, 2024 at 6:00 PM**. That meeting will be held in the Council Chambers in the Janell Whitlock Municipal Complex at 114 S. Halagueno St., Carlsbad, NM. You are encouraged to come to the meeting and speak with Council about the property. A draft of the Resolution is included with this letter.

If the Council adopts the Resolution, you must begin removing the structure, ruins, rubbish, wreckage, debris, and weeds from the property within ten days and complete the work within thirty days. The property must be left in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled. If the work is not done, the City may do the work itself or hire someone to do the work. All reasonable costs to the City for such work will become a lien against the property. The City may then foreclose the lien as allowed by law.

If you have any questions regarding this matter, please contact me at (575) 887-1191, or at the Municipal Building, 101 N. Halagueno, Carlsbad, NM 88220.

Sincerely,


Denise Madrid Boyea
City Attorney

Enclosure

COUNCILORS

Ward 1
LISA A. ANAYA FLORES
EDDIE T. RODRIGUEZ

Ward 2
J J CHAVEZ
JEFF FORREST

Ward 3
MARY GARWOOD
KARLA NIEMEIER

Ward 4
ANTHONY FOREMAN
MARK WALTERSCHEID

**CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM**

COUNCIL MEETING DATE: April 9, 2024

DEPARTMENT: Executive	BY: Wendy Austin – Interim City Administrator <i>WDA</i>	DATE: April 4, 2024												
SUBJECT: Interoffice Memorandum														
SYNOPSIS, HISTORY and IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Interoffice Memorandum outlining the potential donation of a senior center facility.														
DEPARTMENT RECOMMENDATION: No recommendation at this time. This interoffice memorandum is informational only.														
BOARD/COMMISSION/COMMITTEE ACTION: <table style="width: 100%;"><tr><td><input type="checkbox"/> P&Z</td><td><input type="checkbox"/> Lodgers Tax Board</td><td><input type="checkbox"/> Cemetery Board</td><td><input type="checkbox"/> APPROVED</td></tr><tr><td><input type="checkbox"/> Museum Board</td><td><input type="checkbox"/> San Jose Board</td><td><input type="checkbox"/> Water Board</td><td><input type="checkbox"/> DISSAPPROVED</td></tr><tr><td><input type="checkbox"/> Library Board</td><td><input type="checkbox"/> N. Mesa Board</td><td><input type="checkbox"/> Budget Committee</td><td></td></tr></table>			<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED	<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED	<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Budget Committee	
<input type="checkbox"/> P&Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board	<input type="checkbox"/> APPROVED											
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board	<input type="checkbox"/> DISSAPPROVED											
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Budget Committee												
Reviewed by: City Administrator: <u><i>Wendy Austin</i></u> Date: <u><i>4-4-2024</i></u>														

ATTACHMENTS:

- Interoffice Memorandum

CITY OF CARLSBAD

INTEROFFICE MEMORANDUM

Richard Lopez, Mayor

Wendy D Austin, Interim City Administrator

DATE: April 4, 2024

TO: Carlsbad City Councilmembers

FROM: Wendy Austin, Interim City Administrator WDA

RE: Potential of Facility Donation of Senior Center to replace North Mesa Senior Center

Distinguished Councilmembers – this memo is informational only.

City Administration has been approached by a local charitable organization, who at this time, would like to remain anonymous, and who would like to construct a senior center at the Cascades, and ultimately, donate the facility to the City of Carlsbad. This facility would replace the current North Mesa Senior Center. The City has outgrown North Mesa Senior Center and the donation of a new senior center facility, of a modern and larger size, would be a benefit to the City and its citizens. The City would be required to equip, furnish, and landscape the new facility. The City would apply for grants and redirect any previously approved grants, for North Mesa Senior Center, to the new facility. The estimated costs of equipping, furnishing, and landscaping the new facility would be approximately \$500k-\$900k. Currently, the City has a pending grant for North Mesa Senior Center for \$431k.

At this time, the charitable organization is working with the Carlsbad Department of Development to secure land for the facility. Design of the facility is in the early stages, but it is estimated that the square footage would be 19,945. The square footage of the current facility is 10,759. The new design would add a large conference room and two additional activity rooms.

The current facility is beyond capacity, and there is no reasonable way to expand the current facility. In addition, many groups are on the waitlist for an activity room, including: Zumba, evening strength & core, additional line dance classes, pottery, and silversmithing, just to name a few. The design of the facility would also include, if needed, future expansion space, and an outdoor recreational area and walking path.

If this project comes to fruition, the City has multiple uses for the current facility. The City is outgrowing many of its current facilities, and among several ideas, the current North Mesa Senior Center could be used as receiving and storage, converted to a safety training facility, converted to an evidence storage facility, converted to a conference/meeting space, or used in partnership with another agency.

Attachments: Square Footage and Diagram of Proposed Facility
North Mesa Activity Schedule and Calendar
Diagram of Proposed Location

ROOM	Proposed Dimensions	SQ FT	Current Dimensions	Current SQ FT
Auditorium	75 X 80	6000	72 X 42	3100
Yucca Size includes the room and a storage room (12 x 13) and bridge office (10 x 12)	35 X 55	1925	50 X 37	1850
Lapidary Exhaust fan, electrical drops and exit	25 X 25	625	13 X 24	254
Mesa Room	25 X 25	625	27 X 24	648
Ocotillo Room Art room will need a double sink and sliding doors to a patio area for art projects requiring ventilation	20 X 35	700	25 X 27	675
Fitness Room	35 X 40	1400	25 X 40	1000
Pool Room	25 X 40	1000	23 x 40	920
Library	25 X 30	750	18 X 22	396
Commercial Kitchen	22 X 25	550	10 x 13.5	135
Pantry	10 X 22	220	10 X 10	100
Conference	20 X 25	500	-----	-----
Hall Storage	10 X 10	100	4 X 12	48
Reception	40 X 35	1400	31 X13	403
Office 1	15 X 20	300	8 X 15.5	124
Office 2	15 X15	225	-----	-----
Facility Maintenance Office	10 X 10	100	5 X 10	50
Activity Room 1	25 X 35	875	-----	-----
Activity Room 2	20 X 40	800	-----	-----
Puzzle Room	10 X 15	150	12 x 9.5	114
Office Storage	-----		5 X 13	65
Facility Maintenance Storage (Currently Outdoor Storage Rm)	20 X 50	1000	30 x 12	360
Women's RR 6 stalls – 3 sinks	20 X 20	400	212+108	320
Men's RR 2 stalls, 2 urinals, 2 sinks	15 X 20	<u>300</u> 19,945	80+118	<u>197</u> 10,759

Line Dancing

Ultra Beginner	
Thursday	9 - 10am
Beginner	
Monday & Wednesday.....	9 - 10 am
Beginner Workshop *Temp.	
Tuesday.....	9—10 am
Beginner Workshop	
Thursday.....	10:15—11:15am
Intermediate	
Tuesday & Wednesday.....	10:30 - 11:30 am
Intermediate Workshop	
Wednesday.....	9—10am
Improver Workshop	
Monday.....	9—10 am
Improver	
Monday.....	10:30 - 11:30 am
Tuesday.....	9 - 10 am
Line Dance with Jayne	
Tuesday.....	3:15 - 5:00pm

Miscellaneous Games

Big Win Bingo	
Monday.....	6 pm - 9 pm
Bunco Belles (Sandy closed group)	
1st Friday.....	1 - 4 pm
Farkle	
Friday (2nd & 4th)	1 - 4 pm
Lady Luck Bunco (JDycus closed group)	
Last Thursday	11 am - 2:45 pm
2nd Friday.....	11 am - 3 pm
Mexican Train (Nora)	
Wednesday.....	1—5 pm
Thursday.....	1—5 pm
MahJong	
Tuesday.....	1 - 4 pm
Thursday Night Bunco	
1st Thursday.....	6 - 8:30 pm

Card Games

2 Table Party Bridge	
2nd & 4th Friday.....	1 - 4 pm
Bridge (ACBL) (closed group)	
Wednesday.....	1 - 4:30 pm
Thursday.....	1 - 4:30 pm
Hand & Foot (MaryAnn)	
Tuesday.....	1 - 4 pm
Pinochle	
Tuesday & Thursday.....	6 - 8:45 pm
Skip Bo	
Thursday.....	1 - 3 pm

Arts & Crafts

Art Painting	
Tuesday.....	7 am - 12 pm
Lapidary	
Monday, Tuesday, Wednesday.....	6 pm—9 pm
Crochet	
Monday.....	9 - 11 am
Thursday Hand Quilters	
Thursday	9 - 11 am
Paper Crafting	
Wednesday (1st & 3rd).....	9 - 12 pm
The Happy Quilters	
Monday	11—5 pm
Sewing Class	
Wednesday	5:30—8:30 pm
Sewing Sisters	
Tuesday	1 - 5 pm
Zia Quilting & Stitchery Guild	
Thursday.....	9 am - 5 pm

Educational Programs

Chess Lessons	by request
Bridge Lessons	by appointment
Sewing Class	5:30 —8:30 pm

Activity Schedule

North Mesa Senior Rec. Center

1112 N. Mesa Street • Carlsbad, NM 88220 • 575-885-6487

Monday-Friday 7 am - 9 pm
LIBRARY CLOSED Tuesday & Thursday 10 am-11am
 for Health Checks

Fitness

Aerobics	
Monday, Wednesday, Friday.....	7:45 - 8:45 am
Strength, Core & Balance	
Tuesday & Thursday.....	8 - 8:45 am
Yoga Monday & Friday	9 - 10 am
Yin Yoga Thursday ...*class requirement	5:30 - 6:30 pm
Chair Yoga Tuesday	5:30 - 6:30 pm
Fitness Room Monday—Friday	7 am - 9 pm
Pickleball Tuesday & Thursday	7—9pm
Wednesday	3—6pm
Table Tennis Tue & Wed	6 pm - 8:30 pm & Fridays.....10 am - 12 pm
Fitness Equipment Instruction	Must RSVP at front desk

Meetings

AARP Board Mtg. 3st Monday	2 pm
AARP Members Mtg. 3rd Monday	3 pm
ACBL Board mtg. 1st Tuesday	9:30 am
Defensive Driving	check newsletter or at front desk

Health & Wellness

EnHabit Health Check	
Every Tuesday.....	10 - 11 am
J & J Home Care	
Every Thursday	10—11 am

Music

Choir	
Tuesday & Friday.....	2 - 3 pm
Keyboarding (Piano)	
2nd & 4th Wednesday	3 - 4 & 4—5 pm
Ukulele Class	
Tuesday	3:15—4:15pm
Western Jam	
Thursday.....	6:30 - 8:30 pm
Monthly Potluck Social	
4th Friday.....	12—1pm

	Monday	Tuesday	Wednesday	Thursday	Friday
Week 1	7:45 - 8:45am Aerobics A 9 - 10am Improver Workshop Line Dance Y 9 - 10am Beginner Line Dance A 9 - 10am Yoga M 9 - 11am Crochet O 10:30 - 11:30am Improver Line Dance A 11 - 5pm Happy Quilters Y 12:45 - 2:15pm Line Dance Challenge Closed A 3 - 9pm Big Win Bingo A 6 - 9pm Lapidary (See Staff) L R	7am - 12pm Art Painting O 8 - 8:50am Core Strength & Balance A 9 - 10am Improver Line Dance A 9 - 10am Beginner Workshop Line Dance *Temp. Y 9:30 - 10:30am ACBL Board Mtg. (1st Tuesday) RR 10 - 11am Rehab Health L 10:30 - 11:30am Intermediate Line Dance A Hand & Foot (MaryAnn) M MahJong O Sewing Sisters Y Choir L 1 - 4pm Jayne's Line Dance A Ukulele Class L Chair Yoga Y Pinnole RR Table Tennis M Lapidary (See Staff) LR Pickleball A	7:45 - 8:45am Aerobics A 9 - 10am Beginner Line Dance A 9 - 10am Intermediate Workshop Line Dance Y 9 - 12pm Paper Crafting (1st & 3rd) O 10:30 - 11:30am Intermediate Line Dance A Bridge (ACBL) Y 12:30 - 4:30pm Line Dance Challenge Closed A 12:45 - 2:15 pm Mexican Train (Nora) M 1 - 5 pm Pickleball A 2:30 - 5:30pm Keyboarding (2nd & 4th) Full O 5:30 - 8:30pm Sewing Class Y 6 - 8:30pm Table Tennis A 8 - 9pm Lapidary (See Staff) LR	8 - 8:50am Core, Strength & Balance A 9 - 10am Ultra Beginner Line Dance A 9 - 11am Hand Quilters M 9 - 5pm Zia Quilting Y 10 - 11 am J & J Home Care L 10:15 - 11:15 am Beginner Workshop Line Dance A 12:30 - 4:30pm Bridge (ACBL) A Mexican Train (Nora) M Skip Bo RR TBD O 5:30 - 6:30pm Yin Yoga *class requirement Y 6 - 8:45pm Pinnole (See staff for availability) RR 6 - 8:30pm Thursday Night Bunco (1st Thursday) O 6:30 - 8:30pm Western Jam M 7 - 9 pm Pickleball A	7:45 - 8:45 am Aerobics A 9 - 10am Yoga Y 10am - 12 pm Table Tennis A 1 - 4 pm Bunco Belles (Sandy) 1st M 1 - 9:00 pm TBD A 2 - 3 pm Choir L
Week 2	7:45 - 8:45am Aerobics A 9 - 10am Improver Workshop Line Dance Y 9 - 10am Beginner Line Dance A 9 - 10am Yoga M 9 - 11am Crochet O 10:30 - 11:30am Improver Line Dance A 11 - 5pm Happy Quilters Y 12:45 - 2:15pm Line Dance Challenge Closed A 3 - 9pm Big Win Bingo A 6 - 9pm Lapidary (See Staff) L R	7am - 12pm Art Painting O 8 - 8:50am Core, Strength & Balance A 9 - 10am Improver Line Dance A 9 - 10am Beginner Workshop Line Dance *Temp. Y 9:30 - 10:30am ACBL Board Mtg. (1st Tuesday) RR 10 - 11am Rehab Health L 10:30 - 11:30am Intermediate Line Dance A Hand & Foot (MaryAnn) M MahJong O Sewing Sisters Y Choir L 1 - 4pm Jayne's Line Dance A Ukulele Class L Chair Yoga Y Pinnole RR Table Tennis M Lapidary (See Staff) LR Pickleball A	7:45 - 8:45am Aerobics A 9 - 10am Beginner Line Dance A 9 - 10am Intermediate Workshop Line Dance Y 9 - 12pm Paper Crafting (1st & 3rd) O 10:30 - 11:30am Intermediate Line Dance A Bridge (ACBL) Y 12:30 - 4:30pm Line Dance Challenge Closed A 12:45 - 2:15 pm Mexican Train (Nora) M 1 - 5 pm Pickleball A 2:30 - 5:30pm Keyboarding (2nd & 4th) Full O 5:30 - 8:30pm Sewing Class Y 6 - 8:30pm Table Tennis A	8 - 8:50am Core, Strength & Balance A 9 - 10am Ultra Beginner Line Dance A 9 - 11am Hand Quilters M 9 - 5pm Zia Quilting Y 10 - 11 am J & J Home Care L 10:15 - 11:15 am Beginner Workshop Line Dance A 12:30 - 4:30pm Bridge (ACBL) A Mexican Train (Nora) M Skip Bo RR TBD O 5:30 - 6:30pm Yin Yoga *class requirement Y 6 - 8:45pm Pinnole (See staff for availability) RR 6:30 - 8:30pm Western Jam M 7 - 9 pm Pickleball A	7:45 - 8:45am Aerobics A 9 - 10am Yoga Y 10 am - 12pm Table Tennis A 11 am - 3pm Lady Luck Bunco (J Dycus) M 12:30 - 4pm 2 Table Party Bridge (2nd & 4th) O 1 - 4pm Farkle (2nd & 4th) RR 1 - 9:00pm TBD A 2 - 3pm Choir L
Week 3	7:45 - 8:45am Aerobics A 9 - 10am Improver Workshop Line Dance Y 9 - 10am Beginners Line Dance A 9 - 10am Yoga M 9 - 11am Crochet O 10:30 - 11:30am Improver Line Dance A 11 - 5pm Happy Quilters Y 12:45 - 2:15pm Line Dance Challenge Closed A 2 - 3pm AARP Board Mtg. (3rd Mon) O 3 - 4:30pm AARP Members Mtg. (3rd Monday) A 3 - 9pm Big Win Bingo A 6 - 9pm Lapidary (See Staff) L R	7am - 12pm Art Painting O 8 - 8:50am Core, Strength & Balance A 9 - 10am Improver Line Dance A 9 - 10am Beginner Workshop Line Dance *Temp. Y 9:30 - 10:30am ACBL Board Mtg. (1st Tuesday) RR 10 - 11am Rehab Health L 10:30 - 11:30am Intermediate Line Dance A Hand & Foot (MaryAnn) M MahJong O Sewing Sisters Y Choir L 1 - 4pm Jayne's Line Dance A Ukulele Class L Chair Yoga Y Pinnole RR Table Tennis M Lapidary (See Staff) LR Pickleball A	7:45 - 8:45am Aerobics A 9 - 10am Beginner Line Dance A 9 - 10am Intermediate Workshop Line Dance Y 9 - 12pm Paper Crafting (1st & 3rd) O 10:30 - 11:30am Intermediate Line Dance A Bridge (ACBL) Y 12:30 - 4:30pm Line Dance Challenge Closed A 12:45 - 2:15 pm Mexican Train (Nora) M 1 - 5 pm Pickleball A 2:30 - 5:30pm Keyboarding (2nd & 4th) Full O 5:30 - 8:30pm Sewing Class Y 6 - 8:30pm Table Tennis A 8 - 9pm Lapidary (See Staff) LR	8 - 8:50am Core, Strength & Balance A 9 - 10am Ultra Beginner Line Dance A 9 - 11am Hand Quilters M 9am - 5pm Zia Quilting Y 10 - 11 am J & J Home Care L 10:15 - 11:15 am Beginner Workshop Line Dance A 12:30 - 4:30pm Bridge (ACBL) A Mexican Train (Nora) M Skip Bo RR TBD O 5:30 - 6:30pm Yin Yoga *class requirement Y 6 - 8:45pm Pinnole (See Staff for availability) RR 6:30 - 8:30pm Western Jam M 7 - 9 pm Pickleball A	7:45 - 8:45am Aerobics A 9 - 10am Yoga Y 10 am - 12pm Table Tennis A 1 - 9:00pm TBD A 2 - 3 pm Choir L
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* must be able to stand from floor without assistance

 LIBRARY CLOSED Tuesday & Thursday 10 am - 11 am for Health Checks

A— Auditorium LR—Lapidary L—Library M—Mesa O—Ocotillo P—Puzzle Room RR—Roadrunner Y—Yucca



Committee Reports

Adjourn



April 1st, 2024

Mrs. Wendy Austin
City Administrator
City of Carlsbad

Dear Mrs. Austin:

The following report is submitted to the City of Carlsbad to update the progress and status of the Carlsbad MainStreet Project for March 2024, per the Downtown Revitalization Services Contract. With this report, MainStreet is enclosing an invoice requesting the monthly allocation from the City of Carlsbad for \$7,500.00 based on the total annual services contract of \$90,000.

NEW MEXICO MAIN STREET (NMMS) REQUIRED MEETINGS (MAINSTREET EXECUTIVE DIRECTOR):

- N/A

EXECUTIVE DIRECTOR BOARDS AND COMMITTEES:

- In addition to MainStreet activities, the Carlsbad MainStreet Executive Director serves on the following boards and committees related to downtown promotion and economic development and attends weekly and monthly meetings to support their priorities and activities:

Carlsbad Area Art Association, Carlsbad Community Concerts Association, Cavern Theater Task Force, Carlsbad Downtown Lions Club, Pearl of the Pecos Committee, Chamber of Commerce Tourism Council, Chamber of Commerce Non-Profit Council, Chamber of Commerce Age Friendly Council, Eddy County DWI Mayors Fine Arts and Acquisition Committee (FAAV), Mayors Beautification Committee, Anti-Drug and Gang Coalition, Rotary, Chamber of Commerce, City Council, Eddy County Commission, Walter Gerrell's Civic Center Advisory Board, and Carlsbad Department of Development

ECONOMIC DEVELOPMENT-MAINSTREET STYLE

MainStreet Business/Merchants Economic Vitality

- Kat met with Kacey Yanez, who is relocating her business "The Mexicalli Merchandise Company" to the district
- Shared the Backing small business grant with MainStreet merchants, working with Milton's Brewing on an application for a new sign for their business
- Nominated the Trinity Hotel & Restaurant for the Historic Restaurant Grant
- Held our Q1 Merchant Meeting on March 13th where Cam & Julia of Leighton Moon, our state revitalization specialists with New Mexico MainStreet come to Carlsbad to do a presentation on online marketing "Being Socially Savy" we will discuss marketing your business and how to strengthen your business through online marketing and social media presence. We had 5 merchants attend and 3 of our board members. Cam and Julia also did one-on-one follow up with United Way of Eddy County and Milton's Brewing.



Downtown MainStreet Rejuvenation Project

- Shea has been working on a grant proposal to submit to different grant agencies to begin work on our alley activation project. The alley activation project has been a priority of Carlsbad MainStreet (2010 Master Plan) and the ACD (2023 Cultural Economic Development Plan). We have submitted to the current round of T-Mobile Hometown grants and are identifying other opportunities available for funding for this project, we would like to see it co-inside with the installation of the public restrooms being installed later this Spring.
- Angie Testa, with the City of Carlsbad has submitted for the New Mexico Tourism Departments Clean and Beautiful Funding for FY25, in the request \$10,000 was designated for downtown murals.

MainStreet

- March 5th- CavernFest Advertising meeting
- March 20th- CavernFest Advertising meeting
- March 21st- CavernFest Planning Meeting
- March 28th- Board of Directors Meeting

Pearl of the Pecos

- March 8th- POPup Art Event
- Full report of POP work can be found in February ACD report

City of Carlsbad

- March 5th- Attended the Lodger's Tax Board Annual request meeting
- March 18th- Meeting with Trysha Ortiz & Chief Skinner

Eddy County

- Met with Trent Moore to discuss improvements to the courthouse lawn

Chamber of Commerce

- Leadership Carlsbad Session #5 -March 15th (Education Day)
- March 19th- Tourism Council Meeting

Department of Development

- March 7th- Board Meeting

HAPPENING AT THE MAINSTREET OFFICE

Staff at the MainStreet office

- Kat met with Amy Barnhart to discuss updates to our organization's economic transformation strategies as well as a potential service request to assist with a historic building in the district



- Attended the SENM Historical Society's monthly meeting and presentation by Kathy Flynn of the National New Deal Preservation Association
- Worked with the Hutton Broadcasting group on our Google Ad Grand and also furthered our reach by adding Youtube ads, which will be primarily focused on CavenFest.
- Kat and Shea attended the PY Foundation Non-Profit Accounting Seminar in Artesia this month, we also returned the next day to receive a one-on-one session with the instructor who is a CPA to ask questions specific to our organization.
- Leslie & Kat met with the state WIC program to learn more about their program for Farmers Market and how to get our vendors to participate in the program. Also took our annual discrimination training which is a requirement of the program
- Submitted our request for outside agency funding from the City of Carlsbad for FY 2024-2025

Reporting

- All monthly and quarterly reports have been submitted to the City and County
- Q1, 2024 report submitted to New Mexico MainStreet

Speaking Opportunity

- N/A

OTHER MAINSTREET ED MEETINGS AND ACTIVITIES:

- Carlsbad MainStreet was the host of the Carlsbad Coalition Community Impacts Council meeting this month on March 1st at the Carlsbad Museum
- Helped facilitate the Carlsbad Community Concerts Association VIP at downtown business, Desert Daze for their concert on March 2nd
- Attended the Walter Gerrell's Civic Center Board Meeting
- Attended Carlsbad Downtown Lions Club & Rotary
- Attended the WIPP 25th anniversary celebration on March 26th
- Through the Cultural Planning Process, we have come across a recommendation in our grant agreement for updating our local LEDA Ordinance following the adoption of the plan. Kat met with Jeff with City Planning to see if this is something we could work on. Jeff agreed the plan was outdated and we could explore options to work to update it. Then we set up a meeting with Jim Lucero and Kevin Wilson, our regional Economic Development Department Representatives to discuss, they were able to provide us templates from other communities for us to review.

PROMOTION FOR MAINSTREET and CARLSBAD

New Mexico Magazine

- Print & 2 web ads running for April issues promoting CavernFest

Focus Magazine

- Submitted ad & write up for Spring and Special Oil & Gas editions

Texas Monthly



- Submitted ad and article for spring travel issue

Carlsbad Local

- N/A

Current-Argus

- Spoke with new advertising representative

Carlsbad Radio

- Met with Jerry to discuss upcoming events

KCC Radio

- Recorded community forum which will air mid-April
-

If you have any questions, please feel free to contact me.

Respectfully,

Kat Davis

Kat Davis